



## **Elsinore - Murrieta - Anza Resource Conservation District**

**Re: Draft EIS/RMP**

**Dear Mr. Greg Hill,**

**Preserving natural resources is the major focus of our District. Air, water, soil, wildlife and human habitat protection are our major concerns. Therefore, we are pleased to see that Alternative B includes most of the same elements.**

**In reviewing Appendix K and comparing the BLM routes in our District, we find that Alternative B is the best choice for Route Management. This Alternative and the updates to the Plan in relation to air, soil and water resources are welcome management actions. Riparian destruction and contamination are a common problem in our District as well as scrubland and other native plant removal causing a vegetative management problem that is addressed in Alternative B. We are glad to see that prescribed burns that often act as "wicks" of invasive, flammable weeds are not included in ALTERNATIVE B. CRITICAL HABITAT MANAGEMENT IN THE BEAUTY MOUNTAIN AREAS IS COVERED WELL, BUT GRAZING DURING THE SEASONAL TIME OF NOVEMBER THROUGH MARCH COULD CAUSE SOIL AND WATER QUALITY DESTRUCTION DURING THIS WET TIME OF THE YEAR.**

**SOME OF THE TRAVEL ROUTES THAT WE HAVE REVIEWED IN OUR DISTRICT HAVE THE FOLLOWING PROBLEMS:**

**--EQUESTRIAN CONFLICTS, NOISE NUISANCE AND HABITAT DESTRUCTION IN THE OAK MOUNTAIN AREA (RVC 0210-0213), SAGE MAP)**

**--OFF-ROADING IN THE LAKE ELSINORE/MURRIETA AREA HAS BEEN A CONTINUED COST TO THE SHERIFF, BLM and cities due to illegal trespass, habitat destruction and nuisance to surrounding landowners**

**--Cooper Cienega Truck Trail (BTM 0008): road erosion, riparian destruction, adjacent hill climbing due to green sticker vehicles and other vehicles leaving designated routes.**

**--Routes leading to the Beauty Mountain wilderness need monitoring**

**--Southwestern Multispecies Habitat Plan designated-land is being negatively impacted due to off-road vehicle use and trespass.**

**Allowing only street-legal vehicles on public lands is a good decision since the need for responsible motor vehicle use has been lacking in many areas. Safety of drivers and other recreationists as well as surrounding private land-trespass has been an ongoing problem. Off-road vehicles have repeatedly ignited wildfires in our District. Partnering with other agencies, such as CA Highway Patrol and local sheriffs,**

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neighboring landowners and increasing BLM staff could help make BLM land safer and more protected for all users.

BLM parcels in our District are the last refuges and have become the last-stand of natural habitat. Preservation of the watersheds, the Santa Margarita and Santa Ana/San Jacinto, are essential to the health of our SW Riverside environment. Therefore, we advise that off-road vehicle use should be limited on all BLM parcels as suggested in Alternative B.

Sincerely,



Vicki Long

President

Elsinore-Murrieta-Anza Resource Conservation District

21535 Palomar Street, Suite A

Wildomar, CA 92595

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U.S. House of Representatives  
Washington, DC 20515-0552

December 19, 2011

1425 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0552  
(202) 225-5672  
FAX: (202) 225-0235  
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EL CAJON, CA 92020  
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Mr. John Kalish  
Field Manager, Palm Springs-South Coast Field Office  
U.S. Bureau of Land Management  
1201 Bird Center Dr  
Palm Springs, CA 92262

Dear Manager Kalish:

I am writing to provide official comment on the Bureau of Land Management's (BLM) draft revision to the South Coast Resource Management Plan (RMP). As you are aware, this RMP revision has significant impact on my constituents and outdoor recreational opportunities on public lands in Southern California and particularly my district in San Diego County.

Let me preface my remarks by stating that I have an underlying concern whether a revision of this size is warranted in the first place. This is not to indicate that I support the No Action Alternative A, because I do believe the current RMP can be improved. However, it is important to recognize that many have argued that the BLM has been unsuccessful in addressing the needs that were identified in 1994 when the current RMP was first implemented. Since that time, efforts by the BLM to open new trails, trailheads and campgrounds has been less than expected. Significant merit has been given to extreme environmental priorities rather than pursuing actions based on the standard of sound science. Federal directives, such as Executive Order 13443 issued by President Bush in 2007 directing federal agencies to facilitate the expansion and enhancement of hunting activities and the management of game species and their habitat, have been seemingly ignored. I believe that effective management would require that existing plans be administered as initially promised before efforts and resources are expended to implement a new set rules and regulations.

I also feel obligated to state that I am disappointed that several action items on which the BLM has committed to engage with my constituents have been placed on hold until action on this revised RMP is completed. For some time, San Diego outdoor recreational groups have been offering their volunteer services to work with your office in opening additional lands to recreational activities to no avail. Additionally, I have a constituent that has been requesting to work with the BLM and the County of San Diego in a mutually beneficial land exchange on which no action has been taken. The justification for this lack of action has been pending review of the revised RMP. While I appreciate the need to revise federal land management plans and seek to ensure they are properly and consistently meeting established goals, the rationale that limited to no action can be taken on other priority items concurrently with this effort simply does not hold merit.

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U.S. HOUSE OF REPRESENTATIVES  
11 DEC 27 AM 8 48  
MAIL ROOM

Compounding my concern of waiting for the RMP to be drafted, is the fact that the final product of the current revision as presented is filled with shortfalls and missed opportunities, particularly Alternative D, the BLM's stated preferred alternative. Understanding the long-term implications of the RMP, it is imperative that any action taken to identify our land management strategy for public federal lands be thorough, transparent and proactive. Unfortunately, the response I have received from my constituents, including recreational groups that are intimately familiar with these lands and care for them as good stewards, find the proposed RMP ambiguous, disorganized and, frankly, counter-productive to the stated goals of effective land use.

My primary objective with any and all federal land management is maintaining access for those whom these lands belong, the American public. The proposed RMP contains the stated goal of maintaining recreational public access, however, the fact remains that in contradictory fashion, restrictions of varying degree are proposed throughout the planning area. The RMP proposes designating a *minimal* public vehicular travel network within public lands and changes Wilderness Study Areas to Areas of Critical Environmental Concern unnecessarily. The plan endorses providing land management jurisdiction to non-federal policies that are much more stringent. It reduces grazing allotments with restrictions of time of use and number of animals and applies arbitrary wildlife management practices that focus more on political priorities rather than the actual needs of local animal species.

Take into consideration the Otay Mountain Wilderness Area. It is important to remember that while this designated area prohibits off-highway vehicle (OHV) access, specific efforts were originally made to exclude primary routes near this area from these restrictions, creating an effective balance between OHV recreation and environmental protection. The proposed revised RMP would virtually close all routes for OHV use. Another example is large swaths of acreage that will become restricted by the BLM's decision to lease lands to the San Diego County Department of Parks and Recreation which will manage them as "preserves," limiting access and recreation. As a result, areas that have been identified by the current RMP as open to a wide variety of activities such as sightseeing, hiking, rock climbing, rock hounding, photography, bird watching, horseback riding, hunting, shooting, and OHV use, will be limited to hiking and horseback riding activities only. This action is totally unnecessary, infringing on the rights of Americans and dictating to the public which recreational activities are permissible. Additionally, in a time when our nation continues to face extreme economic challenges, the BLM's actions in the revised RMP adversely affects local economies by restricting the development of campgrounds and multiple use recreational access.

As I previously indicated, my office has received input from local recreational groups complaining with the overall presentation of the revised RMP, finding it difficult to follow and replete more with bureaucratic rhetoric rather than substantive policy. If it is the desire of the BLM to incorporate management practices that reflect the changing requirements and priorities of environment protection and recreational land use, I do not feel the revised RMP accomplishes this important goal.

It is for this reason that I respectfully suggest that this revision be withdrawn, that your office return to the initial stages of the process, ascertain a reasonable level of modification



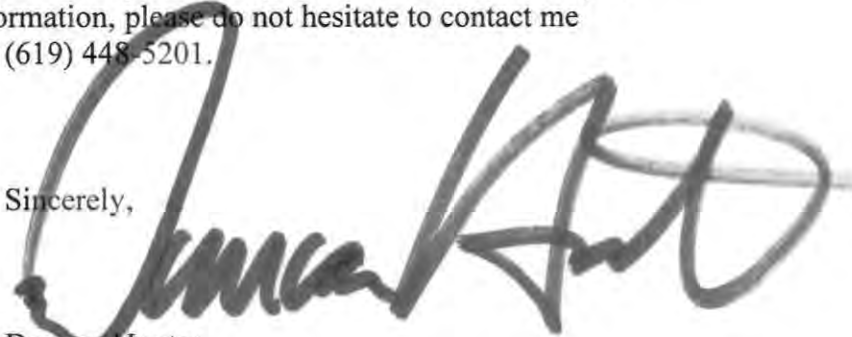
needed for the current RMP and proceed accordingly. I recommend that new public scoping efforts be made that provide equal weight to the input of recreational and public land users as that of biologists, botanists and other wildlife management specialists whose first priority is focused on restricting public access. I firmly believe that by taking these actions, an improved revision may be drafted that is more serviceable with clearly defined actions that accompany clearly defined land management goals.

Manager Kalish, we have a responsibility to establish federal policies that allow for the complete enjoyment of our lands. For far too long, the federal government has been culpable in initiating actions that cater to the threats of environmental groups rather than making an effort to identify and initiate federal policies that best serve the American public and their recreational interests. One of my constituents summed it up best; federal policies involving public lands should be carried out with the premise that, *"adequate recreational access should be routinely provided to the public – except where countermanded by verifiable scientific or safety based data."* I encourage you to review and take action on the recommendations I have provided concerning the proposed revised RMP and help ensure that our local public lands be managed by an unambiguous strategy that emphasizes tangible accomplishment rather than adding to convoluted agendas and practices.

Thank you in advance for your time and attention to this important issue. I know that you have made yourself available to my office to meet and discuss these issues with both my staff and constituents and I sincerely appreciate your willingness to engage in this dialogue. If you have any questions, or require additional information, please do not hesitate to contact me directly, or Michael Harrison in my office at (619) 448-5201.

With best wishes.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read 'Duncan Hunter', is written over the 'Sincerely,' and extends into the space below it.

Duncan Hunter  
Member of Congress

DH/mrh

Cc: Secretary Ken Salazar, U.S. Department of Interior  
Director Bob Abbey, Bureau of Land Management  
California State Director Jim Kenna, Bureau of Land Management



22 December, 2011

RECEIVED  
BUREAU OF LAND MANAGEMENT  
11 DEC 27 AM 8:45  
SOUTH COAST FIELD OFFICE

Bureau of Land Management  
Palm Springs – South Coast Field Office

This letter provides public input on the Draft South Coast Resource Management Plan (RMP). This input is made on behalf of the San Diego County Wildlife Federation, a coalition of 22 outdoor recreational organizations representing over 12,000 households in San Diego County. Our organization and its members advocate for maximum public access to public lands, unless there is verifiable evidence that such access would be unsafe or harmful to critical habitat or threatened, endangered or listed species.

Our comments relate to BLM's preferred Alternative D. Although this alternative attempts to balance environmental objectives with public access, it fails to provide reasonable and adequate public access. Two reasons for not providing public access are implied in the draft RMP, which we believe are unjustified for the reasons discussed below.

The first implication is that public access is counter to the Multiple Species Conservation Plan (MSCP), to which BLM has signed on in a Memorandum of Understanding (MOU). I requested a copy of the MOU to better understand how it relates to public access, but BLM has failed to provide the document. Those who would deny public access in the name of the MSCP are abusing its intent. The purpose of the MSCP is to provide a reasonable allocation between land to be developed and land to be held as open spaces. Land that provides habitat to threatened and endangered species is preferentially (and reasonably) given priority as an open spaces allocation. I have found nowhere in the MSCP any assertion that the land allocated as open spaces is to be preserved by denying public access.

The second implication is that if the land were open to the public, it would be abused (off-road vehicles are most often given as an example). If there are those who would abuse the land, BLM has several remedies, including improved signage, better enforcement, public outreach and education, and encouraging the public to report violators (such as the Department of Fish and Game's (DFG's) "Report Poaching" program). BLM can also work with other agencies such as Border Patrol (who clearly has a presence on the property) and DFG Game Wardens (who will patrol anyway to enforce hunting regulations, and who have broad authority to enforce State and Federal regulations). It is unconscionable to deny the general public from the use of their land because of the potential inappropriate actions of a few.

If off-roaders and target shooters were provided dedicated areas to pursue their activities, there would be less temptation to conduct these activities in closed areas. We do not know if suitable areas exist in the Otay Mountain/Sycamore Canyon areas, but if there are portions of the land where the habitat could support such activities, we encourage making at least some area available for these activities, subject to the warning that these areas will be open only as long as the participants act responsibly in them.

In Vol. 1, Table 2.1, the routes that would be open to vehicular access are summarized. It notes that 329 miles of road are currently open. It is not clear whether this number applies to the 1994 version of the RMP, or to the restricted access that was imposed in 2006 when large sections of BLM land (esp. Sycamore Canyon) were unilaterally closed by BLM without public notice. In any case, the proposed plan would reduce vehicular access by about 50%. The reason for this wholesale closure is not adequately explained. Those explanations that are offered have little or no data to demonstrate that a real threat to the habitat will be averted by these closures (e. g., the claimed threat of pollution from exhaust emissions). In some cases, there are actions that could be taken by BLM to mitigate any potential threats (such as fencing around archeological sites). We recommend a thorough review of the vehicular access restrictions to include only closures where there is a known verifiable threat of damage and which could not be mitigated by reasonable action of BLM. We do not believe it is reasonable to close access roads until the next update to the RMP (which from previous experience could be 18 years) if the reason for the closure could be mitigated 1-2 years.

A related issue is the limited access points into the property. In particular, the two access gates off of Highway 94 and Otay Lakes Road are not included as proposed or even future access points into the BLM lands. We have been told that the Highway 94 gate (the "pink" gate) will not be opened due to Caltrans concerns about traffic safety and because of the danger of disturbing an archeological site just beyond the gate. However, there are clear actions which can be taken to mitigate these concerns. It is incumbent on BLM to plan for projects that will mitigate these concerns, rather than to close the gate indefinitely.

The only excuse offered by BLM for excluding the access point via Otay Lakes Road is that one must traverse land owned by California to gain access to the BLM gate. However, this California property is managed by DFG and in their Land Management Plan they include a parking lot which would provide access to the BLM land. Our organization asked BLM to contact DFG to express their willingness to allow access via this gate if DFG were to install their parking lot. As far as we can tell, BLM never contacted DFG on this proposal, even though DFG agreed to work with our organization to develop this parking lot. The failure of BLM to contact DFG has led to a cessation of efforts on this parking lot because DFG cannot be sure that the parking lot could even be used if it were built. This simple step would have provided the public an opportunity to recreate on BLM land, an opportunity which is being foreclosed because BLM does not even mention it in the draft RMP as a future potential point of access.

In the Draft Resource Management Plan, BLM defines a goal to provide adequate motorized access for hunting (Section 2.3.16.1). Yet the vehicular access proposed in the

plan prevents access to huge areas in the vicinity of Sycamore Canyon. The only roads providing vehicular access in Sycamore Canyon run through the Southwest portion of the property. In particular, there is no access to the land in the Northern portion of Sycamore Canyon (generally between the Otay Lakes gate and the Intersection of BLM Roads 055 and 063), nor to the land between Highway 94 and BLM Roads 043/055. The attached map overlays (in black) the roads proposed for vehicular access onto the map of Sycamore Canyon. The map clearly shows that there are huge swaths of land that cannot reasonably be reached by foot by a hunter on a day hunt, such as a quail hunter. This issue could be resolved by either increasing the extent of roads open to vehicular traffic (e.g. BLM Roads 059/061), or by providing at least walk-in access via the two gates discussed in the previous paragraphs. The attached map shows roads (in red) that we believe could be opened for public access without impacting habitat or archeological sites. (The attached map is difficult to read in its digital form; the original of the map is included in a copy of this letter which will be submitted to BLM via regular mail.)

What the attached map does not show, but which is highly desirable and which we enthusiastically recommend, is to ultimately open a "loop" road on the property, so that the casual wildlife observer could take his/her family on a sightseeing tour traveling between the Highway 94 gate and the Marron Valley gate. This would appear to be the most "passenger-car friendly" route on the property, and could be implemented if BLM would take action to mitigate the issues with the Highway 94 gate.

The Draft Resource Management Plan highlights the desirability of access (easement) acquisitions to enhance public access to BLM lands, yet BLM seems unwilling to provide public access by improving the access points they own, or to work with DFG who is receptive to providing an access point into BLM land. Given the huge expense of purchasing the Sycamore Canyon property, failing to spend a few percent more dollars to provide adequate access to the public represents a poor stewardship of the public's funds.

In summary, our primary recommendation is to make constructive changes to the preferred Option D by increasing vehicle routes and access points, with the goal of improving public access, and explicitly identifying potential future BLM physical improvements that will provide increased public access. This will benefit not only hunters, but hikers, equestrians and nature observers as well. Also, we encourage BLM to provide supporting data that the recommended closures are in fact necessary to protect habitat and wildlife and not just based on some obscure notion that keeping the public out is the best way to protect the habitat. That is, we encourage you to act as conservationists, not preservationists. This is, after all, the public's land, procured with the public's taxes.

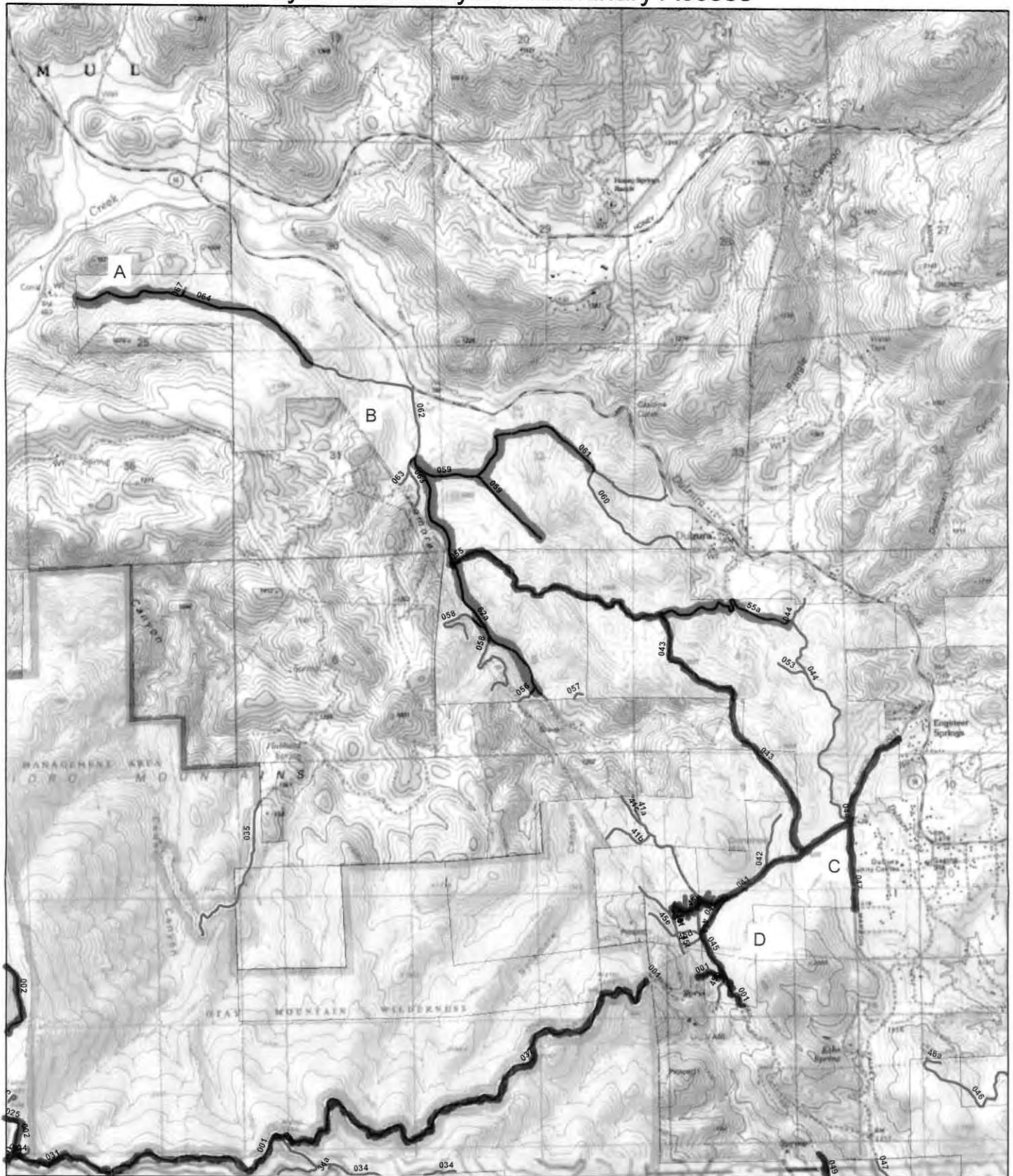
Respectfully,




Robert R. Smith  
President, San Diego County Wildlife Federation



## Sycamore Canyon Preliminary Access



### Legend

-  Bureau of Land Management  
 Roads from South Coast RMP



1:40,000



US Department of the Interior  
Bureau Of Land Management  
Palm Springs-South Coast Field Office  
The Bureau of Land Management makes no  
warranty implied or expressed, with  
respect to information shown on this map.



## CITY OF CANYON LAKE

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December 21, 2011

Submitted electronically: [www.blm.gov/ca/palmsprings](http://www.blm.gov/ca/palmsprings)

South Coast RMP,  
Bureau of Land Management  
Palm Springs – South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262

Dear Mr. Hill:

The City of Canyon Lake appreciates the opportunity to submit comments on the Bureau of Land Management's Draft Resource Management Plan Revision and Draft Environmental Impact Statement for the South Coast Planning Area. The City of Canyon Lake is fortunate to have two noncontiguous BLM managed and administered parcels, a total of 820 acres, within the city limits. Specifically the parcels are described below and are referred to here as the "BLM lands":

|                                      |           |                        |
|--------------------------------------|-----------|------------------------|
| T5S, R4W of Section 26               | 640 acres | BLM Parcel No. 176-261 |
| T5S, R4W of Section 34               | 180 acres | BLM Parcel No. 176-341 |
| SW ¼, SE ¼, E ½, SE ¼, SE ¼,<br>NE ¼ |           |                        |

The City takes great pride in the pristine BLM lands to the extent that the City budgets close to \$45,000 per year on its Special Enforcement staff to assist Officer Art Tracy in patrolling the lands, primarily by boat. Additionally the City of Canyon Lake Police Department, County Parks, and Fire assist with enforcement when needed.

Mr. Greg Hill  
December 21, 2011  
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On May 17, 2011 the Canyon Lake City Council took action approving a Memorandum of Agreement (MOA), copy attached, between the BLM and City for law enforcement protection of BLM lands within and adjacent to the City of Canyon Lake. Essentially, this agreement provides that BLM and the City will enforce laws, regulations and/or ordinances on identified BLM lands within their respective jurisdictions, for purposes of public safety and resource protection. The City and BLM also meet on a regular basis to discuss the effectiveness of the agreement and will make modifications accordingly. Further, the agreement defines the parameters under which law enforcement protection shall be implemented and provides for mutual aid opportunities. The agreement sets forth responsibilities of both the City and the BLM.

This MOA is based on the understanding that local jurisdictions can enforce laws, regulations and ordinances on BLM administered public lands so long as they do not conflict with BLM management of those lands. Through our continued coordinated efforts, we have and will assure that no conflicts will occur.

At the same meeting the Council adopted Urgency Ordinance No 134U, copy attached. The Ordinance makes violation of the following health and safety issues a nuisance; including but are not limited to any vehicle use, dumping, littering, fires, shooting, overnight camping, BBQs as well as crimes against persons, human sanitation issues, and uncontrolled boating and potential release of invasive species.

Since the adoption of the Ordinance and MOA, Special Enforcement staff has patrolled the area on a regular basis. In less than six months, the team has reported that there has been a substantial reduction in illegal/inappropriate activity on BLM lands. Therefore the desired goals when developing the Ordinance and MOA are being met. Goals consist of preventing vehicle access, shooting of guns and camp fires that can lead to forest fires; preventing the invasive Quagga mussel from being transported into the River/Canyon Lake by jet skies and other boats; and keeping the lands pristine and natural for hikers, swimmers, and fishing.

Finally, the City organizes twice a year clean-ups of the BLM lands and area adjacent to the River/Canyon Lake. Annually tons of trash has been removed from the BLM lands, including but not limited to mattresses, camping equipment, human waste and much more. On a regular basis the City's Special Enforcement Division and Canyon Lake Police Department remove abandoned and stolen vehicles from the lands and adjacent River.

Mr. Greg Hill  
December 21, 2011  
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At its December 7, 2011 City Council meeting, the City Council authorized this response. With this letter, the City of Canyon Lake requests that the BLM adopt staff's recommendation being Alternative D.

The City has one other comment for revision as indicated below:

Regarding the Routes of Travel by Alternative found in Appendix K; the routes on BLM lands in the City of Canyon Lake are identified beginning with RVC 0089 to 0102; and RVC 0110 to 0114. We respectfully ask that RVC 110 and RVC 113 in Section 34 be CLOSED in Alternative D so that these two routes are consistent with the other two routes in the section.

As also authorized by the Council, the next step for the City of Canyon Lake is to complete an application for purchase with a patent and reversion clause for the 820 acres of BLM lands within the City of Canyon Lake. The City intends to begin the process in compliance with Recreation and Public Purposes Act. We understand that this application is separate from our comments on the Draft Resource Management Plan Revision and Draft Environmental Impact Statement for the South Coast Planning Area.

Thank you for your consideration. Please contact me by phone at 951.246.2025 or by email at [lmoss@cityofcanyonlake.com](mailto:lmoss@cityofcanyonlake.com) if I can provide any further information.

Sincerely,



Lori A. Moss  
City Manager

Enclosures

C: The Honorable Darrell Issa  
The Honorable Mary Bono  
Canyon Lake City Council  
City Attorney  
Ron Young, EVMWD



ORDINANCE NO. 134U

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANYON  
LAKE ADDING CHAPTER 11.50 PROVIDING FOR CERTAIN  
REGULATIONS FOR THE BLM LANDS [AND FOR THE ENFORCEMENT  
OF BUREAU OF LAND MANAGEMENT (BLM) REGULATIONS AS  
ALLOWED BY THAT AGENCY] AND DECLARING THE URGENCY  
THEREOF

The City Council of the City of Canyon Lake does ordain as follows:

1. Purpose. The City Council finds that there is an urgent need for the enforcement of public health and safety regulations in that undeveloped area of the City defined in this Ordinance as the Bureau of Land Management (BLM) Lands, generally known as Sections 24 and 36 as follows:
  - a. The BLM does not have sufficient enforcement resources to prevent health and safety issues on or in the BLM Lands, which issues impact the City and include illegal off highway vehicle (OHV) use, dumping, fires, shooting, fishing as well as crimes against persons, human sanitation issues, uncontrolled boating and potential release of invasive species, including the quagga mussel, threatening the water quality of Canyon Lake; and
  - b. The City and the BLM are working together to enforce both BLM regulations and City ordinances; and
  - c. The City already has in places ordinances addressing some of these issues, including but not limited to the following City ordinances:

Canyon Lake Municipal Code Section 11.01.010 prohibiting discharging a weapon within City limits, and thus prohibiting hunting and poaching; and  
Section 10.16.010 requiring that all dogs be leashed within the City;  
Section 14.01.020(a) providing that all bicycle riders must wear helmets; Chapter 11.20 providing for the abatement of public nuisances within the City; Section 11.08.010 prohibits personal water craft on or in Canyon Lake; and
  - d. The purpose of this Ordinance is to address the remainder of the urgent issues identified by the BLM and City special enforcement; and

- e. Because of the past history of crime, lack of sanitation facilities and the high fire danger, overnight camping or remaining in the area as well as open fires must be prohibited; and
  - f. Based upon the open space/wilderness designation, and no roads, vehicles are not allowed; and
  - g. Because of the proximity to Canyon Lake and drainage into the Lake, no human or animal waste and no dumping or littering is allowed; and
  - h. This Ordinance is an urgency measure which must take effect immediately to be sure that these protections are in place for the Memorial Day weekend and subsequent summer uses and holidays.
2. Chapter 11.50 is added to the Canyon Lake Municipal Code to read as follows:

#### Regulations within BLM Lands

##### Section

- 11.50.010 Definitions
- 11.50.020 Camping Prohibited
- 11.50.030 Fires Prohibited
- 11.50.040 Vehicles Prohibited
- 11.50.050 Human and Animal Wastes Prohibited
- 11.50.060 Littering and Dumping Prohibited
- 11.50.070 Enforcement

11.50.010. Definitions. As used herein, the following terms shall have the meanings set out here:

- (a) BLM means the federal Bureau of Land Management.

(b) BLM Lands mean those 800 acres of land owned by the Bureau of Land Management bordering the body of water known as Canyon Lake within T5S, R4W, Sec. 26 (all) and Sec. 34, SW¼SE¼, E½ SE¼, SE¼NE¼, SBM.

(c) Vehicles means a vehicle as defined in the California Vehicle Code, including but not limited to automobiles, ATV's, boats, motorcycles, trailers or scooters.

11.50.020 Camping Prohibited. No person shall be or remain in or on the BLM Lands between the hours of dusk and dawn the following day without prior written permission of the City or BLM. Use of the BLM Lands for camping purposes or storage of personal property is prohibited.

11.50.030 Fires Prohibited. No person shall kindle a fire in the BLM lands. No person shall light a charcoal or gas fire even contained within a barbeque or similar container.

11.50.040 Vehicles Prohibited. No person shall drive or otherwise utilize or operate a vehicle in or on the BLM Lands, excepting motorized wheelchairs and vehicles in the service of the BLM, the City, the County of Riverside, the State of California, Elsinore Valley Municipal Water District, or the Canyon Lake Property Owners Association. The provisions of Canyon Lake Municipal Code Section 14.01.020(a) shall apply to provide that no person shall ride or operate a bicycle unless that person is wearing a helmet.

11.50.050 Human and Animal Wastes Prohibited.

- (a) No person shall urinate or defecate on the ground within the BLM Lands.
- (b) No person shall allow waste materials from animals owned or used by that person (including but not limited to horses and dogs) to remain on the ground within the BLM Lands.

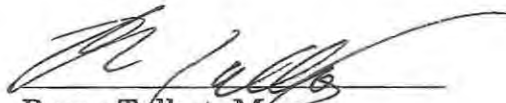
11.50.060 Littering and Dumping Prohibited. No person shall wash dishes, empty water or any other waste liquids or leave garbage, trash, cans, bottles, papers or any other refuse anywhere within the BLM area except in receptacles provided therefor.

11.50.070 Enforcement.

- (a) This Chapter may be enforced by any peace officer or a special enforcement officer designated as such by the City.
  - (b) This Chapter may be enforced by any means legally available, including but not limited to administrative citations. The violation of any section of this Chapter shall be treated as a separate violation. It shall constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this Chapter is committed, continued, or permitted by any person.
  - (c) Violation of this Chapter also shall constitute a public nuisance which may be abated and costs collected pursuant to the provisions of Chapter 11.20.
3. Effective Immediately. This ordinance is for the protection of public health and safety by providing for consistent enforcement on FLM Lands in the City and shall take effect immediately upon adoption so that any violation of this Chapter and provisions may be cited.

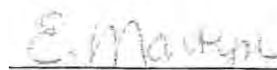
PASSED, APPROVED and ADOPTED this 17th day of May, 2011, by the following roll call vote:

AYES: Council Members Bonner, Craton, Ehrenkranz, Mayor Pro Tem  
Horton, Mayor Talbot  
NAYES: None  
ABSENT: None  
ABSTAIN: None

  
Barry Talbot, Mayor

ATTEST:  
  
Sheryll Schroeder, Interim City Clerk

Approved as to form:

  
Elizabeth Martyn, City Attorney



Memorandum of Agreement (MOA)  
Between the Bureau of Land Management (BLM) and  
the City of Canyon Lake ("City") For Law Enforcement Protection of BLM Lands  
Adjacent to  
the City of Canyon Lake

I. Background

The BLM manages and administers 800 acres of land and resources bordering the body of water known as Canyon Lake within T5S, R4W, Sec. 26 (all) and Sec. 34, SW¼SE¼, E¼ SE¼, SE¼NE¼, SBM, within and adjacent to the City of Canyon Lake, Riverside County, California (collectively the "BLM Lands"). These lands have been the site of numerous public safety and resource protection issues including illegal off highway vehicle (OHV) use, dumping, fires, shooting, fishing as well as crimes against persons. In addition, human sanitation issues, uncontrolled boating and potential release of invasive species, including the quagga muscle, related to use of these BLM lands threaten the water quality of Canyon Lake, owned and utilized by Elsinore Valley Municipal Water District and leased for recreation purposes by the Canyon Lake Property Owners' Association.

II. Purpose

Through cooperation between the BLM and the City ("parties"), this Agreement provides for increased public safety and resource protection within these BLM lands. This agreement further defines the parameters under which law enforcement protection shall be implemented and provides for mutual aid opportunities.

III. Authorities

This MOA is entered into under the following authorities:

A. BLM:

Sections 303(d) of the Federal Land Policy and Management Act of 1976; Public Law 94-579 (90 Stat. 2763; 43 U.S.C. 1733) grants specific law enforcement authority to the Secretary of Interior to assist local law enforcement officials in enforcing local laws and regulations as they carry out their primary responsibility of assuring adequate law enforcement for public land areas and resources under jurisdiction of the Bureau of Land Management.

Sec. 307 of the Federal Land Policy and Management Act of 1976; Public Law 94-579 (90 Stat. 2766; 43 U.S.C. 1737) grants authority to the Secretary of Interior to enter into cooperative agreements and accept contributions involving the management, protection, development and sale of public lands.

B. City of Canyon Lake

Government Code Sections 37100 et seq. provide that the City may enter into cooperative agreements with the federal government.

Cal. Constit. Art. XI, Section 7 provides that the City may "make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws." This MOA is based on the understanding that local jurisdictions can enforce laws, regulations and ordinances on BLM administered public lands so long as they do not conflict with BLM management of those lands. Through our continued coordinated efforts, we have and will assure that no conflicts will occur.

IV. Program Coordination and Responsibilities

A. Both Parties Agree:

1. This Agreement pertains only to the BLM Lands, over which BLM Law Enforcement Rangers have been granted specific law enforcement responsibilities and authority.
2. Nothing in this Agreement will be construed as affecting the authorities of the participants, or as binding beyond their respective authorities, or to require any of the participants to obligate or expend funds in excess of available appropriations.
3. Implementation of this Agreement is subject to funding, time and staffing limitations on the part of field and administrative staff.
4. To meet biannually, or on an as needed basis, to discuss the effectiveness of this Agreement and make any mutually agreed on changes in furtherance of the objectives and purpose of the agreement.

B. BLM agrees to:

1. Provide Law Enforcement Ranger support for the patrol of these BLM Lands and the enforcement of applicable laws, regulations, closures, restriction orders and supplementary rules as promogated or adopted by the BLM for the purpose of public safety and resource protection.

2. To coordinate with other law enforcement jurisdictions on issues related to these BLM and adjacent lands including participation in interagency patrols and law enforcement task force efforts, specifically including but not limited to those of the City.
3. To deter illegal activities on these BLM Lands through law enforcement patrols and public contacts.

C. City of Canyon Lake agrees to:

1. To deter illegal activities on these BLM lands, within City limits, through enforcement of City ordinances.-
2. To the extent of its legal authority, to adopt and enforce City ordinances which address public health and safety with the BLM Lands located within the City limits.

V. Agency contacts for the purposes of this agreement:

A. John R. Kalish, Field Manager  
Palm Springs-South Coast Field Office  
Bureau of Land Management  
1201 Bird Center Drive  
Palm Springs, CA 92262  
760-833-7100  
John\_Kalish@blm.gov

B. City of Canyon Lake  
Lori Moss, City Manager  
31516 Railroad Canyon Road  
Canyon Lake, CA 92587  
951-244-2955  
lmoss@cityofcanyonlake.com

VI. Scope of the Agreement

- A. The Law Enforcement Personnel of the Bureau shall remain under the supervision and responsibility of the BLM.
- B. The terms of this Agreement may be modified by written amendment hereto by mutual consent of the parties.
- C. This Agreement will be renegotiated at the written request of either party.
- D. This Agreement is effective until terminated by either party.
- E. No member of, or delegate to Congress, or State Official, shall be admitted to any share or part of the MOA, or any benefit that may arise there from.

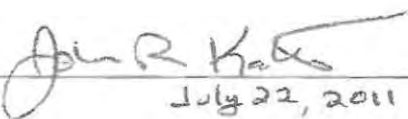
VII. Termination

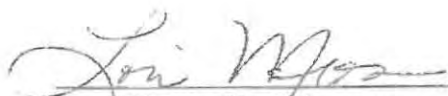
This agreement shall be terminated with or without cause upon advanced written notice by one party to the other. The number of days of advanced written notice for termination is 30 days.

VIII. Approved this 22 day of May, 2011.

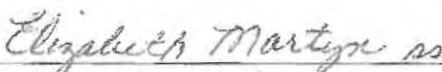
Bureau of Land Management

City of Canyon Lake

  
July 22, 2011

  
Lori Moss, City Manager

Approved to form:

  
Elizabeth Martyn, City Attorney



December 23, 2011

Area Manager  
U.S. Bureau of Land Management  
1201 Bird Center Drive  
Pam Springs, CA 92262

Re: Input on Draft South Coast Resource Management Plan and Environmental Impact Statement

Dear Area Manager,

Please include my comments for the appropriate administrative record.

I am requesting that the Alternative A (No Action Alternative) be adopted. The existing SCRMP- EIS offers the best balance between resource protection and resource utilization. The new acquisitions could be incorporated with a minor, more focused plan amendment and environmental assessment. The route location study and travel management plan could also be incorporated into the SCRMP at the same time. There is no need for complete plan revision.

The reasons listed for plan revision under "Purpose of and Need for Action" are broadly written and lack nexus to the alternative options and management guidelines being offered. The text states that these planning factors are to be fully explained under the "Anticipated Planning Issues and Management Concerns", but I was unable to find any such sections within the plan.

The RMP makes numerous references to the "Multiple Species Conservation Plan (MSCP)", but I was not able to find any copies of this plan within the text, footnotes, and appendices or anywhere within the RMP. Online research of the MSCP did not reveal any BLM comment documents or evidence of BLM participation in the MSCP planning process.

What is available is that shortly after the 1994 Record of Decision of the existing SCRMP the BLM signed a general MOU to cooperate with other public agencies in habitat conservation and management. This 17 year old document has questionable relevancy today as the BLM does not appear to have performed any formal analysis of these other agencies subsequent land use plans. If formal cooperation in habitat management is to occur, just how consistent are these other land use prescriptions to the BLMs multiple land use requirements and existing SCRMP? This plan and management change via the MOU process appears to be an attempt to bypass the Federal Land Policy and Management Act of 1976 and the plan amendment process with public involvement in accordance with BLM regulations found within 43 CFR. The RMP and EIS should

include a formal analysis of the MSCP documents to insure their compliance with the existing SCRMP and BLM policies.

One of the issues given in justification of a plan revision is "15,000 acres of land have been acquired by the BLM in their support of the MSCP". But the existing SCRMP land acquisition strategy identified only 1,500 acres within these same MSCP areas. These extraordinary land purchases appear to have been funded through grants with the BLM using the existing SCRMP as part of their legal justifications for those grants. At the same time these purchases were being made other critical elements of the SCRMP were ignored such as campgrounds, trailheads and trail maintenance.

In addition, general population increases within the urban areas of Southern California do not automatically equate to greater impacts on BLM managed lands. Furthermore, there hasn't been any unexpected population movements other than being less than what had been predicted at the time the SCRMP was developed. Nor have there been any spikes in public use that was not anticipated within the SCRMP. Nor does the draft plan address the recently adopted County of San Diego General Plan Update (2011) where the majority of privately owned lands adjacent to BLM managed properties have been dramatically downzoned to 1 house per 20, 40 and 80 acres. Traditional development patterns are no longer growing outward, they are growing inward. To quote Gary London of the London Group, real estate experts specializing in economic analysis and strategic consulting, "Growth will be accommodated by growing up, not out anymore, into a vertical environment". Development impacts from adjacent private property are no longer the issue it was in 1994.

#### **Special Land Use Designations:**

##### **ACEC**

The proposed 8,200 acre "Otay /Kuchamaa ACEC" overlays three small existing ACEC's, the Otay Mountain wilderness area, recent land acquisitions and private property targeted for future purchase by the BLM. The RMP-EIS does not give any greater biological or cultural analysis of these lands or give any reasons justifying this expanded ACEC management other than "Being part of the BLM's support of the MSCP". This simply does meet the relevance or importance requirements of 43 CFR 1610.7-2.

Using an ACEC designation to show some type of supportive solidarity with the MSCP or trying to link the SCRMP to the MSCP through the use of the ACEC designation is an inappropriate use of this designation. So is proposing using the ACEC designation as a fallback land use designation for the WSA areas should they be released. Should

HR1581 the "Wilderness and Roadless area Release Act" (McCarthy) be made law or any other release of the WSA's by Congress occur, the WSA should be formally analyzed at that time to determine the best management action.

#### **ERMA and SRMA**

The existing plan calls for the Border Mountain Area to be managed as a special recreation management area with campgrounds, trailheads, bathrooms and such. The RMP calls for conversion to the ERMA which would greatly reduce public recreational amenities in this area. The ERMA/SRMA boundaries are unclear in the RMP. I am not aware of a single BLM campground throughout the SCRMP in San Diego County. Why are we removing all campgrounds and other amenities?

#### **Wildlife Habitat Management Areas (WHMA)**

The plan calls for many areas to be managed as a WHMA but it does not reveal just what the results of that management will be. How will this affect hunting and recreational access? These issues need to be addressed.

#### **Transportation Plan:**

Although this section is titled Transportation Plan, what is needed is a Public Access Plan. We need locations of all routes, trailheads and campgrounds. Realty issues that focus on easement or land acquisition strategies designed to resolve access issues. The current transportation plan appears to be based solely on existing fire roads and is highly disconnected, non-looping and non-destinational.

The current EIS analysis focuses only on motorize use. The analysis given throughout all the impact categories have the same general theme: that motorized use could result in unauthorized off route use. Based on this premise, the EIS analyses for each alternative gives the greatest value to those alternatives with the least amount of motorize access. EIS analysis is to be based on a proposed use in a specific area, not on areas that are not being proposed for that use.

The route location maps (appendices L) are over 6 years old and do not show all routes that can be seen on USGS and Google Earth maps. Why are not all routes being shown and identified? The route location study needs to be updated.

On route management, the plan gives general reasons on the types of issues that transportation decisions are to be based on, but it fails to identify which issues were used on each identified route. Is the route being closed to public use because of lack of legal access or was it due to soil type or what? It also fails to identify the type of route. 60' wide fire road or 36" wide single track? Is it only motorized use that is being restricted or is public access of all types affected? This plan needs to clearly identify the types of route and the decision making process on each individual route.

What is also missing is justification for removing non street legal use throughout the planning area. You are proposing to remove and marginalize one of the primary steward groups in this area with little or no justification. In many cases non-street legal vehicle

access results in lighter impact but the EIS fails to recognize this. It also economically discriminates against those who can only afford a \$1,500 OHV in favor of those who can afford to purchase a requisite \$40,000 street legal SUV.

Most routes throughout the planning area are being closed to the general public. Closes virtually all routes to non-street legal vehicles use including Otay Mountain Truck Trail. When the Otay Mountain Wilderness act was written, Congressman Bilbray and BLM Director Ed Hastey made sure that OHV access would be allowed on Otay Mountain and excluded all primary routes and the border trail route from the legislation. Now these routes are being closed to OHV access.

The reasons given in the EIS are reductions in greenhouse gases and fugitive dust reductions. While these are broad, noble goals, they are disproportionate and prejudicial towards the motorized recreational public. If greenhouse gas reductions and fugitive dust reductions are a management concern, there are other ways to mitigate these without banning the primary user group of this area.

#### **Route Specific**

The Border Trail route was specifically written out of the Otay Mountain Wilderness legislation to allow continued public OHV access. The language states the wilderness boundary is 100' north of the trail and no closer than 100' of the international border. See attached legislation. The proposed RMP allows only administrative access.

Sycamore Canyon Truck Trail is a critical route strategically located to provide a natural trailhead on Hwy 94. Known as the "Pink Gate", it has been subject to a temporary closure order since 2006. It has always been designated as limited use area allowing OHV access. The RMP allows only administrative access

LA Posta Truck Trail has traditionally provided minor drive through access from Buckman Springs Rd to La Posta Rd. It also provides vehicle access to public trails. Recent gate on La Posta Rd has restricted access. This access issue needs to be resolved. The RMP allows only administrative access.

Within the Lakeside R&PP lease area there are two wonderful routes that have been closed by the County of San Diego despite being designated Limited use with open vehicle use by the SCRMP. These routes need to be reopened or revoke the lease with the County. The RMP allows only administrative access.

In the Hauser Mountain and Long Potrero Valley areas there have been numerous land acquisitions by the BLM, SDGE for Sunrise Powerlink mitigation and other private non-profit groups. Many routes that could be used to form a usable public access system are not being evaluated nor are they showing up on the route location maps.

#### **Grazing Restrictions:**

BLM proposes to reduce from 8 grazing allotments to 2 allotments with restrictions of time of use and number of animals. Grazing on these public lands has traditionally connected these public lands with our local rural communities. These grazing allotments should be restored.

**Bad for Local Economy:**

The existing plan calls for this area to be managed as a "Special Recreation Management Area" with developed campgrounds and multiple use recreational access. The new plan greatly reduces this direction or removes it all together. Our local backcountry businesses should be benefiting from tourists visiting these areas. The proposed plan greatly reduces this area as a recreational economic magnet.

The BLM is missing a wonderful opportunity to interact with the public through management of these public lands. The current SCRMP provides the best direction for resource protection and resource utilization. We need to implement the existing plan and stop these continuous and unsustainable plan revisions.

Please take into consideration of these thoughts.

Respectfully submitted,

  
John D. Elliott

P.O. Box 368

Descanso, CA 91916

Attachments: Gary London Group Article Union Tribune  
Otay Mountain Wilderness Legislation



*Signed by President Clinton 12/9/1999  
Public Law No: 106-145*

# One Hundred Sixth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,  
the sixth day of January, one thousand nine hundred and ninety-nine*

## An Act

To designate a portion of the Otay Mountain region of California as wilderness.

*Be it enacted by the Senate and House of Representatives of the United States of  
America in Congress assembled,*

### SECTION 1. SHORT TITLE

This Act may be cited as the 'Otay Mountain Wilderness Act of 1999'.

### SEC. 2. FINDINGS.

The Congress finds and declares the following:

- (1) The public lands within the Otay Mountain region of California are one of the last remaining pristine locations in western San Diego County, California.
- (2) This rugged mountain adjacent to the United States-Mexico border is internationally known for its diversity of unique and sensitive plants.
- (3) This area plays a critical role in San Diego's multi-species conservation plan, a national model made for maintaining biodiversity.
- (4) Due to its proximity to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area's wilderness values.

(5) The illegal immigration traffic, combined with the rugged topography, also presents unique fire management challenges for protecting lives and resources.

### **SEC. 3. DESIGNATION.**

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public lands in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled 'Otay Mountain Wilderness' and dated May 7, 1998, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System, which shall be known as the Otay Mountain Wilderness.

### **SEC. 4. MAP AND LEGAL DESCRIPTION.**

(a) **IN GENERAL-** As soon as practicable after the date of the enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in such legal description and map. Such map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

(b) **UNITED STATES-MEXICO BORDER-** In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is 100 feet north of the trail depicted on the map referred to in subsection (a) and is at least 100 feet from the United States-Mexico international border.

### **SEC. 5. WILDERNESS REVIEW.**

The Congress hereby finds and directs that all the public lands not designated wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), and are no longer subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

### **SEC. 6. ADMINISTRATION OF WILDERNESS AREA.**

(a) **IN GENERAL-** Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), except that--

(1) any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the effective date of this Act; and

(2) any reference in such provisions to the Secretary of Agriculture is deemed to be a reference to the Secretary of the Interior.

(b) **BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION-** Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

#### **SEC. 7. FURTHER ACQUISITIONS.**

Any lands within the boundaries of the Wilderness Area that are acquired by the United States after the date of the enactment of this Act shall become part of the Wilderness Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a wilderness.

#### **SEC. 8. NO BUFFER ZONES.**

The Congress does not intend for the designation of the Wilderness Area by this Act to lead to the creation of protective perimeters or buffer zones around the Wilderness Area. The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, of itself, preclude such activities or uses up to the boundary of the Wilderness Area.

#### **SEC. 9. DEFINITIONS.**

As used in this Act:

(1) **PUBLIC LANDS-** The term 'public lands' has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) **SECRETARY-** The term 'Secretary' means the Secretary of the Interior.

(3) **WILDERNESS AREA-** The term 'Wilderness Area' means the Otay Mountain Wilderness designated by section 3.

*Speaker of the House of Representatives.*

*Vice President of the United States and President of the Senate.*

# **SIGNON** **SAN DIEGO**

## **London Group offers bridge to real estate future**

**More partners bring in more expertise as business prepares to recover**

By Roger Showley

Wednesday, December 21, 2011



Born 20 years ago at the depths of last big real estate slump, the London Group, specializing in economic analysis and strategic consulting, has reinvented itself to prepare for the inevitable upturn.

The company, founded by Gary London, has brought in new partners — former competitors — to backfill builders who downsized during the downturn.

"The past is not prologue in our society and the real estate sector," says London, who is a member of the U-T's EconoMeter weekly panel of economic experts. "What we're doing is positioning ourselves to serve that new group of real estate entrepreneurs we think are just now starting to emerge as the economy slowly turns back toward the long road to economic prosperity."

Unlike the 1990s downturn, when the federal government stepped in and took over ailing properties and resold them to investors, London said distressed property owners have been largely on their own to deal with jittery tenants, impatient lenders, frustrated investors and cash-short partners.

"The markets are in the process of clearing down to an economic level where there can be a renewal of real estate dynamics where money can be made, and that certainly is what plays out at the end of every real estate cycle," he said. "There's a lot of money and capital out there. Inevitably that money's going to find deals at bargain prices, and what will emerge is new investment and new market opportunities. The emphasis is on the new and different."

For decades, London points out, San Diego has grown into ever-expanding suburbs with ever bigger houses, office buildings, industrial parks and shopping centers. But with little left of "green fields" of developable land, the age of master-planned communities is over. However, the region will need new buildings if expected growth adds 1 million people over the next 30 to 40 years.

"That growth will be accommodated in growing up, not out anymore, into a vertical environment," he said, "and a lot of emerging companies we expect to be advising will be people looking at brown fields and not green fields. They're going to be people looking at rehabbing old buildings and making new buildings that are LEED-certified (for energy saving and environmental sustainability)."

He predicted existing projects that have been approved will have to be retooled to reflect the new reality.

"Small is the byword across all sectors," he said. "Smaller offices, smaller retail shops — you'll see that in all the demand analysis. Efficiency is going to be the new reality for real estate going forward."

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## THE WILD RIVERS PROJECT

A PROJECT OF FRIENDS OF THE RIVER AND THE CALIFORNIA WILDERNESS COALITION

STEVEN L. EVANS, PROJECT CONSULTANT

P.O. Box 189717, SACRAMENTO, CA 95818

PHONE: (916) 708-3155

EMAIL: SEVANS@FRIENDSOFTHERIVER.ORG

December 23, 2011

Mr. John Kalish  
BLM South Coast Field Office Manager  
1201 Bird Center Drive  
Palm Springs, CA 92262  
[capsscrmp@blm.gov](mailto:capsscrmp@blm.gov)

**Re: South Coast Draft RMP Revision Comments**

Dear Mr. Kalish:

Thank you for soliciting comments in response to the South Coast Draft Resource Management Plan (DRMP). These joint comments of the California Wilderness Coalition and Friends of the River focus primarily on the proposed Santa Margarita Wild & Scenic River. Ryan Henson from the California Wilderness Coalition will submit separately more detailed separate comments focusing on Wilderness Study Areas and lands with wilderness characteristics. Please consider these written comments in unison.

The California Wilderness Coalition and Friends of the River urge the BLM to recommend the Santa Margarita River for protection as a Wild & Scenic River in the final RMP. The Santa Margarita River is regarded as one of the last free flowing rivers in southern California and it possesses outstandingly remarkable scenic, recreational, wildlife, botanic, ecologic, scientific, historic, and cultural values.

About 10 miles of the Santa Margarita River between Interstate 15 and the eastern boundary of Camp Pendleton flow through public and quasi-public lands managed by the BLM and other state and local agencies. The BLM should recommend Wild & Scenic protection for the entire 10-mile segment, to be jointly managed by the federal, state, and local agencies with jurisdiction along the river.

We urge the BLM to adopt Alternative B, which emphasizes the protection and conservation of natural resources, including wildlife and habitat. Alternative B also proposes protection for more Areas of Critical Environmental Concern (ACEC), including an expanded Santa Margarita River Ecological Reserve ACEC and establishment of the newly proposed Upper Santa Clara River ACEC. In addition, Alternative B proposes to protect all lands with wilderness characteristics and to reasonably limit grazing and off-highway vehicle use to protect wildlife habitat, water quality, and other uses of the public lands.

Deborah Hurley  
31928 Wrightwood RD.  
Bonsall, Ca. 92003  
[deborah\\_hurley@sbcglobal.net](mailto:deborah_hurley@sbcglobal.net)

Mr. John R. Kalish  
Field Manager  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA. 92262

COPY

Dear Mr. Kalish:

I am writing to comment on the Draft Resource Management Plan Revision (plan) and Draft Environmental Impact Statement (EIS) for the South Coast Planning area.

After reading this admittedly long and confusing Doc. I am most concerned with the Section 3.9 of the plan. In speaking of cultural resources there is no mention of the restoration of the Coyote Canyon Heritage Herd. BLM has a stated agreement to restore this herd a simple act of re-designating the migratory range HA. its been since 2003 and the conversation has not progressed and I would sincerely like to know why? I am aware this is a common procedure for BLM and done on a daily basis.

this herd is a Historical culturally very significant icon of western settlement and plays an integral part of our evolution

2. The United States Congress recognized that these living symbols of the historic pioneer spirit of the west and needed protection and preserving and thus passed the Wild Horse and Burro Act of 1971 to insure this and the coyote canyon horses were present on these designated HA's at this time.

That was not done but can be easily remedied and I am wondering why it is not been accomplished after 8yrs?

3. The Coyote Canyon Horses can be historically traced back 300yrs to the explorer Juan Batista D' Anza and this herd is a living link to the first Settlers of the rancho's and mission of Southern CA. thus they serve as a living link to our cultural evolution and I have used them as a teaching device for the children I have had the pleasure to work with in local schools about this time period. They inspire a great deal more excitement and understanding of the hardships of these times to our younger generations, as well as igniting the imagination because the still living horses are a tangible living creature.

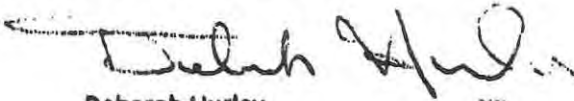
4. The horses are a resource economically as well like the other wildlife because while looking for a part of the "Old West" tourists are seldom less excited about the prospect of glimpsing wild horses.

5. The Spiritual Significance of these horses also dates back hundreds of years for our local Native Tribes

6. I would like to know why the hold up for returning these horses?

I would like to make it a matter of public record that I am angry and frustrated with the lack of attention to this issue and would like to see the conversation to return these horses to their natural home. They represent a rich part of our history and culture. Please return them to their range.

Thank you very much,

A handwritten signature in black ink, appearing to read "Deborah Hurley", written in a cursive style.

Deborah Hurley



**DIANNE JACOB**

SUPERVISOR, SECOND DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

December 20, 2011

Serving the  
cities of:  
El Cajon  
La Mesa  
Lemon Grove  
Poway  
Santee

Serving the  
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Allied Gardens  
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Blossom Valley  
Bostonia  
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Campo  
Canebrake  
Casa de Oro  
Crest

Cuyamaca  
Delhesa  
Del Cerro  
Descanso  
Dulzura  
Eucalyptus Hills  
Fernbrook  
Flinn Springs  
Granite Hills  
Grantville  
Guatay  
Harbison Canyon  
Jacumba  
Jamul  
Julian  
Lake Morena  
Lakeside  
Mount Helix  
Mount Laguna  
Pine Hills  
Pine Valley  
Potrero

Ramona  
Rancho San Diego  
Rolando  
San Carlos  
San Pasqual  
Santa Ysabel  
Shelter Valley  
Spring Valley  
Tecate  
Tierra del Sol  
Vallecitos

Serving the Indian  
reservations of:  
Barona  
Campo  
Cosmit  
Ewinupapay  
Inaja  
Jamul  
La Posta  
Manzanita  
Santa Ysabel  
Sycuan  
Viejas

John Kalish, Field Manager  
BLM Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262

Dear Mr. Kalish:

As Supervisor of the Second District for the County of San Diego, I am writing to you in support of the Draft Management Plan Alternative D. This plan best facilitates the exchange of land to accomplish the goals and objectives of the Bureau of Land Management.

A perfect example of an exchange is a proposal submitted by Mr. James Salvatore in August 2000 which would exchange habitat land owned by Mr. Salvatore adjacent to the San Dieguito River Park for BLM Parcel 262-221. The BLM property is land locked which makes it inaccessible to the public and is a legitimate fire hazard due to the deferred maintenance on the property.

This exchange is a clear benefit for all parties, as we could improve the fire safety of the surrounding properties and this would also allow the possible expansion of an existing habitat preserve if brought into the San Dieguito River Park boundaries.

Thank you for your serious consideration of Alternate D of the Draft Management Plan.

Sincerely,

DIANNE JACOB  
Supervisor, Second District

DJ:jd

RECEIVED  
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SAN DIEGO COUNTY BOARD OF SUPERVISORS



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011



In Reply Refer To:  
FWS-12B0037-12TA0049

DEC 21 2011

### Memorandum

To: Field Manager, Bureau of Land Management, Palm Springs-South Coast  
Field Office, Palm Springs, California

From: Assistant Field Supervisor, Carlsbad Fish and Wildlife Office,  
Carlsbad, California

Subject: Comments on the Draft South Coast Resource Management Plan and Environmental  
Impact Statement

We appreciate the opportunity to review the Bureau of Land Management's (BLM) draft South Coast Resource Management Plan and Environmental Impact Statement (RMP/EIS) received by us on September 23, 2011. The RMP will guide future management of approximately 300,820 acres of BLM-administered public land in portions of five urbanized southern California counties (San Diego, Riverside, San Bernardino, Orange, and Los Angeles). As stated in the RMP/EIS, the need for the RMP revision is to update the 1994 RMP to: (1) ensure consistency, to the legal extent practical, with the various multi-species planning efforts and partnership agreements BLM is working to establish throughout the South Coast region; (2) re-evaluate management direction in light of new information and change in circumstances; (3) assess the impact of BLM management on threatened and endangered species listed since 1993 through formal consultation with the Fish and Wildlife Service (Service); (4) assess the energy related needs of the region and meet the objectives of the President's energy plan; and (5) address issues raised in scoping.

We provide the following comments in keeping with our responsibilities under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), and our agency's mission to work "with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." Our comments on the RMP/EIS are based on our knowledge of listed species occurrences and their habitats known or with potential to occur in the planning area and our participation in regional habitat conservation planning efforts.

### General Comments on Alternatives

With several exceptions, the Service supports BLM's proposed adoption of the land use decisions and management actions presented under Alternative D (Preferred Alternative), which represents a combination from Alternatives A, B, and C, and provides for a balance between authorized resource use and the protection and long-term sustainability of sensitive resources.



However, the Service recommends the BLM adopt the following land use decisions and management actions, some of which are proposed under Alternative B (Conservation Alternative), as components of the Preferred Alternative:

- As presented under Alternative B, BLM lands within conservation areas of the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) should be designated as the Western Riverside County Area of Critical Environmental Concern (ACEC). In addition, this ACEC should be deemed an exclusion area for non-wind and surface-disturbing land use authorizations and withdrawn from salable mineral disposal.
- While not included in any of the proposed alternatives, BLM lands within conservation areas of the San Diego Multiple Species Conservation Program (MSCP) not already within designated ACECs or wilderness should also be designated as an ACEC, and this ACEC should be deemed an exclusion area for non-wind and surface-disturbing land use authorizations and withdrawn from salable mineral disposal.
- As presented under Alternative B, the Beauty Mountain ACEC should be expanded from 3,925 acres to 27,376 acres.

As acknowledged in the RMP/EIS, rapid urbanization has contributed to loss of natural habitat in the planning area. As a result, public lands have become increasingly important to the protection of sensitive species and habitats. The adoption of the land use decisions and management actions we have identified above would provide for greater protection of sensitive species and habitats on BLM lands in areas identified as important for conservation and demonstrate BLM's continued commitment to the success of regional habitat conservation planning efforts. Based on the analysis presented in Section 4.2.18 (pages 4-404 to 413) "Impacts to Social and Economic Values" of the RMP, which states "The general level of potential economic activity on BLM lands would be reduced under the land use policies and assumptions of Alternative B. However, this conservation alternative would likely increase the opportunity for BLM land to lend support for HCPs within the Planning Area. The overall economic impacts of Alternative B are not substantial relative to the South Coast Planning Area economy," it appears that the land use decisions and management actions that we are recommending for inclusion in the Preferred Alternative could be adopted without substantial controversy.

### **Specific Comments on the RMP/EIS**

#### **CHAPTER 1.0 Introduction**

- Page 1-2, Section 1.1: The RMP/EIS states, "BLM has participated in many of these planning efforts and has agreed to provide a portion of the Federal funding and resources needed to ensure the success of conservation planning." The RMP/EIS should acknowledge BLM's commitment to the success of regional conservation programs as established through signed agreements (i.e., MSCP Memorandum of Understanding, Stephens' Kangaroo Rat Habitat Conservation Plan Implementing Agreement).

- Page 1-18, Section 1.7: The list of “other related plans which the South Coast DRMP will be consistent with” should include the North San Diego County Multiple Species Conservation Program currently in development and the approved Multiple Habitat Conservation Plan in San Diego County.
- Map 1-1: The “National Wildlife Refuges” boundary appears to be out of date. Several parcels (one of which was acquired in 2004 and is immediately adjacent to BLM’s Otay Mountain Wilderness and other more recent acquisitions) of the San Diego National Wildlife Refuge do not appear on the map in this or other sections. Please contact the Refuge for updated ownership information so that the RMP accurately identifies the National Wildlife Refuge boundaries.
- Page 1-4, “Riverside–San Bernardino County Management Area” section: This section notes that the 1,000 acres in San Bernardino County, including the Santa Ana River Wash ACEC, contains populations of three federally endangered species. Per other sections of the document, these three federally endangered species are San Bernardino kangaroo rat, Santa Ana River woolly-star, and slender-horned spineflower. It is likely that BLM lands in the Santa Ana River Wash are also occupied by the coastal California gnatcatcher. A number of coastal California gnatcatcher occurrences have been recently recorded in the vicinity of the ACEC and other BLM lands in the Santa Ana River wash, and both contain suitable habitat. We recommend that this section of the RMP/EIS include a statement about the potential occurrence of coastal California gnatcatcher in the Management Area and the presence of its habitat.
- Page 1-7, “Upper Santa Ana River Wash Plan Amendment” section: The Service has been providing technical assistance to the proponents of the multi-jurisdictional Habitat Conservation Plan for the upper Santa Ana River Wash including assistance in developing biological goals for the habitat conservation plan conservation strategy. It is possible that a land exchange with BLM involving portions of the ACEC may be a component of an HCP for the Santa Ana River Wash area. In the event that an exchange occurs, BLM will need to address the effects of the exchange and the associated changes in land use to the federally listed species.
- We recommend the RMP/EIS include a section stating that it will implement an adaptive management approach that incorporates effectiveness monitoring into its management programs and adjusts management actions as needed based on the results of the monitoring.

## **CHAPTER 2.0 Description of Alternatives**

### **2.3.5 Vegetation**

- Page 2-24, “Coastal Sage Scrub” section: The RMP/EIS states, “Conserve 99% of remaining coastal sage scrub habitat on public lands in the planning area through efforts

to restore coastal sage scrub communities throughout the planning area after ground disturbance, eliminate or reduce nonnative species that compete with coastal sage scrub species, and allow for natural succession.” This section should include a discussion of the importance of maintaining unfragmented coastal sage scrub habitat that functions in a landscape connectivity matrix (i.e., for wildlife movement corridors and foraging areas and travel corridors and as paths for gene flow and pollinator contact between adjacent plant communities).

### 2.3.6 Wildlife

- Page 2-31, “Bats” section: The RMP/EIS states, “Maintain, enhance, and protect bat roosts and foraging habitat while providing for public safety.” Because bats are also at risk from wind energy development projects, we recommend the following language, similar to that included for migratory birds, be included in this section: “Provide for safe passage of foraging and/or migratory bats.”
- Pages 2-31 and 2-32, “Raptors” and Non-Game Migratory Birds” sections:
  - The RMP/EIS states, “Require all new structures to be raptor-safe in accordance with the Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (the Avian Power Line Interaction Committee 2006) or the current version of this document.” It is our understanding that the 2006 guidance document is currently being updated and that the revised version is anticipated to be available around May 2012. We suggest this upcoming revised guidance be referred to in the RMP/EIS, and upon its finalization, implemented as part of the plan. The revised guidance document should be available at <http://www.aplic.org/mission.php>.
  - The RMP/EIS states, “Apply the BLM wind energy development program policies and BMPs from Appendix A in the Wind Energy Development Program ROD (DOI BLM 2005f).” The BLM policy makes reference to the Service’s *Interim Wind Energy Guidelines* to be used as a general guide. Note that the Service’s wind guidelines have been updated and are now in draft form as the *Draft Land-based Wind Energy Guidelines* (February 8, 2011; available at <http://www.fws.gov/habitatconservation/wind.html>).
- Page 2-32, “Bats” section: Given that 1) significant knowledge gaps still exist concerning bats and white-nose syndrome (WNS) epidemiology, 2) WNS is expected to spread to western states and may become a future risk to bat resources in the Plan area, and 3) abandoned mines occur within the planning area that may be suitable for bats, we recommend that the RMP/EIS include management measures for WNS. Management guidance has been developed in the Interagency National Response Plan, BLM Interim Response Strategy, and the BLM Instruction Memorandum on WNS. At this time, we recommend BLM implement a disease surveillance program in accordance with the

National Plan. From p. 3-132: “Currently there are approximately 100 abandoned or inactive mine openings in the Planning Area. These mining sites are located throughout the planning area, but the majority are located in the vicinity of Soledad Canyon, Steele Peak, Beauty Mountain, and Otay Mountain.”

### 2.3.7 Special Status Species

- Pages 2-33 and 2-34: The introductory paragraph discusses 11 “key” special status species for which a significant portion of their range is in the RMP/EIS area and additional management consideration is highlighted. Section 3.7, starting on page 3-44 provides a detailed discussion of the 62 special status species known or suspected to occur in the RMP area and a table (Table 3-4) summarizing this information. The introductory paragraph in Section 2.3.7 should include a brief discussion of the 62 special status species known or suspected to occur in the planning area in addition to the 11 “key” species identified for focused management consideration and reference the detailed discussion provided in Section 3.7. Inclusion of this information will clarify which information the effects analysis is based on.
- Page 2-34, “Arroyo toad (*Bufo californicus*)”: Revised final critical habitat for this species was designated on February 9, 2011 (*Federal Register* 76:7245). As discussed in the 2011 critical habitat rule, a taxonomic name change has been accepted for the southwestern arroyo toad (*Bufo californicus*). The currently recognized name for the listed entity is arroyo toad (*Anaxyrus californicus*). The RMP/EIS should be revised accordingly to reflect the 2011 revised final critical habitat designation and the taxonomic name change.
- Page 2-34, “Nevin’s barberry (*Mahonia nevinii*)”: The currently recognized taxonomic name for this taxon is “*Berberis nevinii*”. The RMP/EIS should be revised accordingly.
- Page 2-35, “Southwestern Willow Flycatcher” section: The RMP/EIS states, “Manage riparian areas for a suite of habitat features that could support the transitory use by this species.” In addition to transitory use by southwestern flycatchers, riparian areas provide important breeding habitat for this species. Also, revised critical habitat for this species was proposed on August 15, 2011 (*Federal Register* 76:50542). The RMP/EIS should be revised to indicate that riparian areas will be managed to support breeding and transitory use by this species and include a discussion of the 2011 revised critical habitat proposal.
- Page 2-35, “Arroyo Toad” section: The RMP/EIS states, “Manage riparian areas and upland areas for a suite of habitat features that could support use by this species if it were to occur within the Planning Area.” The Service is aware of occurrences of this species on or near BLM lands in the planning area, primarily in the eastern portion of the San Diego Management Unit; therefore, we recommend that the RMP/EIS be revised accordingly.



- Page 2-35, “Slender-horned spineflower” section: We recommend that BLM expand the goal of protecting and maintaining populations to include enhancing them.
- Page 2-36, “General” section: Alternative D (Preferred Alternative) should include a management action to restore temporarily disturbed areas using seed mixes and cuttings containing native plant species found in the local area. Also, since many years may elapse between plan updates, this section should acknowledge that the management actions would also be applied to any future endangered and threatened species listings and critical habitat designations.
- Page 2-36, “San Bernardino Kangaroo Rat” section: As with Stephens’ kangaroo rat, we recommend that BLM provide for the use and evaluation of a range of tools to maintain and enhance habitat suitability for San Bernardino kangaroo rat, including, grazing, approved herbicides, and brush thinning.
- Page 2-37, “California Coastal Gnatcatcher” section: The RMP/EIS should include a management action to avoid, minimize, and/or mitigate, to the extent possible, disturbance in known and potential habitat during the species’ peak breeding season (February 15 to August 31). In addition to managing fire frequency in sage scrub, we recommend the BLM develop additional management actions, such as exotic vegetation control, to implement the RMP goal of maintaining and enhancing coastal sage scrub habitat required for the species. We also recommend that management actions for this species include cowbird control in the event this type of management is necessary for protection of this species in the future. Language similar to what is included for least Bell’s vireo should be incorporated into this section.
- Page 2-37, “Least Bell’s Vireo” section: The statement regarding removal of tamarisk outside of the vireo breeding season should be expanded to address removal of any exotic, invasive species, not just tamarisk. Other exotic species such as Giant reed (*Arundo donax*) and Russian olive (*Elaeagnus angustifolius*) should also be removed.
- Page 2-37, “Southwestern Willow Flycatcher” section: The RMP/EIS states, “Avoid, minimize, and/or mitigate to the extent possible disturbance in potential habitat during the spring (May 1–June 21) and fall (August 15–October 7) migration seasons.” Because riparian areas are important to this species during breeding and migration, we recommend that disturbance in potential habitat be avoided, minimized, and/or mitigated during the breeding season, generally April to September, as well as during the migration seasons.
- Page 2-37, “Quino Checkerspot Butterfly” section: The RMP/EIS state, “Control non-native invasive species infestations following fire events, to the extent feasible. See the Wildland Fire and Fuels Section 2.3.8 for more details.” In addition to managing to control non-native invasive species following fire events, we recommend that non-native species control incorporate a combination of management measures as described in the species recovery plan.



- Page 2-40, Table 2-4: The table discusses limiting disturbance to one percent in Core Reserves or designated critical habitat under Alternatives B and D. The RMP/EIS needs to provide further discussion on this concept, including how temporary and permanent habitat disturbances will be mitigated.

### **2.3.8 Wildland Fire and Fuels**

- Page 2-41, “Suppression” section:
  - The RMP/EIS states, “Annual Operating Plans would be developed, agreed upon, and signed by BLM, cooperating agencies, and agencies providing fire suppression on Federal lands.” We encourage BLM to ensure that fire suppression and management actions outlined in Annual Operating Plans are implemented using minimum impact suppression tactics (MIST) to avoid and minimize impacts to special status species, particularly federally listed species and their habitats, and in a manner that is consistent with MSCP goals for fire suppression and National Wildlife Refuge fire management plans.
  - The RMP/EIS states, “In wilderness and WSAs, when aggressive initial attack and full wildfire suppression strategies are deemed necessary, minimum impact suppression tactics (MIST) identified in the Interagency Standards for Fire and Aviation Operations would be applied.” We recommend that MIST be applied on all BLM lands, not only wilderness and WSAs.
- Page 2-42, “Fuels Management” section: The RMP/EIS states “Identify, prioritize, and implement an estimated annual average of 2,000 acres per year of fuel management over the life of the plan.” The RMP/EIS should explain how BLM derived a fuel management target of 2,000 acres per year in the planning area and why this target is considered appropriate.

### **2.3.12 Special Designations and Lands with Wilderness Characteristics**

- Pages 2-64 and 2-65, “Alternative B” and “Alternative D” sections: Under Alternatives B and D, several new ACECs would be designated. The RMP/EIS should identify which of these proposed new ACECs are within the WRCMSHCP and the MSCP boundaries.

### **2.3.13 Rangeland Management – Livestock Grazing**

- Pages 2-66 and 2-67, Section 2.3.13.2: To minimize impacts to sensitive species associated with grazing, a grazing plan should be developed for allotments containing federally listed species or critical habitat. According to our records, the federally endangered Quino checkerspot butterfly and its designated critical habitat occur on a portion of the Clover Flat allotment and the federally endangered arroyo toad occurs on a portion of the Hauser allotment. The RMP/EIS should be revised to include the

development of a grazing management plan as a management action to benefit these species.

### 2.3.14 Mineral Resources

- Page 2-76, Section 2.3.14.2: The RMP/EIS states, “Public lands are open for [locatable] mineral entry with the exception of Wilderness or other public lands withdrawn from mineral entry as listed in Appendix A-4.” Also, under the “Alternative D” column of Table 2-17, page 2-77, the RMP/EIS states, “Recommend withdrawing the proposed Santa Margarita Ecological Reserve ACEC, WSAs, and lands with wilderness characteristics from mineral entry.” However, page 4-126, under “Mineral Resources” in the “Impacts to Vegetation – Alternative D (Preferred Plan)” table, the RMP/EIS states, “Under Alternative D, wilderness, WSAs, all ACECs (approximately 68,593 acres) and the Beauty Mountain SRMA would be closed to mineral entry.”
  - Based on the statements in these various sections of the RMP/EIS, it is not clear which special designation and recreation areas are being recommended for withdrawal from locatable mineral entry. Also, it appears that the reference to Appendix A-4 listing “other public lands withdrawn from mineral entry” is an error and that the reference should be to Table A-4. The RMP/EIS should be revised to clarify and specifically state which areas are being recommended for withdrawal from locatable mineral entry.
  - Only specific ACECs are being recommended for withdrawal from locatable mineral entry. The RMP/EIS should explain why the remaining ACECs in the planning area are not also being recommended for withdrawal, particularly those in regional habitat conservation areas. As stated above, we recommend that lands important for regional habitat conservation be designated as ACECs.
  - The RMP/EIS should clarify if the recommended withdrawal of locatable mineral entry pertains to both BLM-owned and split estate lands and clarify BLM’s ability to withdraw locatable mineral entry on split estate lands.
- We recommend early coordination between the BLM and Service on proposals for locatable mineral entry on split estate lands in the MSCP to ensure proposed actions do not conflict with MSCP goals.

### 2.3.15 Recreation

- Page 2-82, “Management Actions Common to All Alternatives” section: The RMP/EIS states, “Where long term damage by recreation use is observed or anticipated, limit or control activities through specialized management tools such as fencing, signage, trail realignment, developments, permits, area closures, and limitations on number of users and duration of use.” We recommend the RMP/EIS address how visitor-use monitoring

will be implemented to identify when potential impacts to resources are occurring. (See comment regarding recreation below).

### 2.3.17 Lands and Realty

- Page 2-101, Table 2-22, “Land Tenure Action” column: The RMP/EIS states, “Isolated tracts of land not containing eligible historic properties or critical habitat would be available for exchange or sale to the general public for community development and growth. These lands are difficult and uneconomic to manage as part of the public lands and are not suited for management by another Federal department or agency.” Parcel #262-221 proposed for exchange or sale is near nest sites for two pairs of golden eagles and appears to be within their foraging area. BLM should evaluate the importance of this and other parcels proposed for exchange or sale in eastern San Diego County to golden eagles, particularly in light of the status information and concern for western populations of golden eagles identified in the 2009 Bald and Golden Eagle Protection Act regulations (*Federal Register* 74:46836 ). If BLM-owned lands support nesting or foraging habitat for golden eagles, their exchange or sale to the public for community development or growth should be withdrawn or considered as a potentially significant impact under NEPA.

## CHAPTER 3.0 Affected Environment

### 3.7 Special Status Species

- Page 3-44, Table 3-4:
  - Occurrence information is missing for many of the BLMSS status Wildlife Species, (blank cells in table). This information needs to be included or blank cells explained.
  - The table should be revised to indicate which special status species are “covered” species under the WRCMSHCP and the MSCP.
  - The table should be revised to include the Hermes copper butterfly (*Hermelycaena hermes*), added to the Service’s candidate list on April 14, 2011 (*Federal Register* 76:20918).
  - The current taxonomic name for Townsend’s big-eared bat is *Corynorhinus townsendii*, not *Plecotus townsendii*.
  - The common name for the small-footed myotis should specify **Western** small-footed myotis.

- Page 3-47, “Federally Listed Species and Critical Habitat” section: The amount of detail presented on the presence/distribution of each of the federally listed species on BLM lands is variable. We recommend summarizing this in table format to supplement the text.
- Page 3-51, “BLM Sensitive Species” section: The RMP/EIS states, “There are 36 BLM Sensitive Species (18 plants and 18 animals) known or suspected on BLM lands in the South Coast planning area (Table 3-4). Below are key species occurring in the San Diego planning area.” Only those species in the San Diego planning area are discussed in detail. The RMP/EIS should be revised to include a discussion of key species occurring in the other management areas as well.
- Map 3-18: The map does not show the Stephens’ Kangaroo Rat HCP boundary and the 7 core reserves. The map or associated discussion in the text should also include a definition of what constitutes the Conservation Areas.

### **3.12 Special Designations and Lands with Wilderness Characteristics**

- Page 3-91, “Stephens’ Kangaroo Rat Habitat Conservation Plan” section: The RMP/EIS states, “BLM is responsible for managing three of these reserves in partnership with local jurisdictions, USFWS, and CDFG.” For clarity, we recommend the RMP/EIS list these three reserves and that they are identified on Map 3-18.
- Page 3-97, “Santa Ana River Wash ACEC” section:
  - The RMP states, “The ACEC encompasses 755 acres of BLM public lands north of Redlands within the flood-plains of the Santa Ana River and Plunge Creek.” It remains unchanged in size in the Preferred Alternative. We recommend that approximately 154 acres of BLM land east of the ACEC and south of the Seven Oaks Dam borrow pit be added to the ACEC. This area, consisting of all of San Bernardino County Assessor parcel number (APN) 029709102 and the undeveloped portion of APN 02970910, is also important to the conservation of San Bernardino kangaroo rat and Santa Ana River woolly-star, and possibly to coastal California gnatcatcher and slender-horned spineflower. This area is important for the conservation of these species since there are occurrence records and a significant amount of suitable habitat for both San Bernardino kangaroo rat and Santa Ana River woolly-star; the entire area is designated critical habitat for San Bernardino kangaroo rat; and the Santa Ana River portion of the area is important to the geomorphological and hydrological processes which maintain habitat for Santa Ana River woolly-star, San Bernardino kangaroo rat, and other species.



- As acknowledged in this section, the Santa Ana River Wash ACEC was originally set aside for the protection of two federally listed endangered species, Santa Ana River woolly-star and a slender-horned spinyflower. Other sections of the RMP/EIS also acknowledge the importance of this ACEC to the conservation of the San Bernardino kangaroo rat. We recommend that this section of the RMP/EIS discuss the listing of the San Bernardino kangaroo rat and designation of critical habitat since the formation of the ACEC and the importance of the ACEC to this species' conservation.
- As discussed above, portions of the ACEC may also be important to the conservation of the coastal California gnatcatcher since there are several occurrence records in the immediate vicinity of the ACEC, and it contains suitable Riversidian sage scrub habitat. We recommend this section of the RMP/EIS include a statement about the occurrence of coastal California gnatcatcher in the area and the presence of its habitat in the ACEC.

### 3.15 Recreation

- Page 3-112: The introductory paragraph of this section states, "The BLM has not had the capability to collect adequate visitor use data in the planning area, but has produced some data from staff observations or from other agencies." We recommend that the RMP/EIS address how visitor impacts in sensitive areas will be monitored more effectively.

## CHAPTER 4.0 Environmental Consequences

- Page 4-118, "Vegetation Management Actions" column in the "Impacts to Vegetation – Alternative D (Preferred Plan)" table: The RMP/EIS states, "Conserve 99% of the remaining coastal sage scrub within the planning area, through avoidance, minimization measures, and compensation." However, Table 2-2 "Vegetation Management by Alternative", pages 2-28 and 2-29, does not identify this management action as part of the preferred alternative in the "D" column. The RMP/EIS should be revised to ensure the information presented in these tables is consistent.
- Page 4-131, "Wildland Fire and Fuels" section: The RMP/EIS states, "The construction of fire lines by using hand tools and heavy machinery could also result in the modification or destruction of wildlife habitat. Mechanical methods such as removing vegetation down to mineral soil can result in the introduction of non-native, invasive plant species and eventual type conversion of plant communities. Birds, such as the grasshopper sparrow, rely on native grasses for forage." Other wildlife species rely on native vegetation (grasses, forbs, shrubs, and trees) for foraging and cover during various life stages and seasonal cycles. We recommend editing the last sentence so it conveys the information on birds as just one example of wildlife potentially impacted by actions to address wildland fire. Specifically, we recommend the language be revised to: "For example, birds, such as the grasshopper sparrow, rely on native grasses for forage."



- Page 4-131, “Special Designations” section: The RMP/EIS states, “These designations are common to all alternatives and provide protection for wildlife through restrictions on most surface disturbance activities.” Please specify the types of surface disturbance activities that would not have restrictions.
- Page 4-133, “Lands and Realty” section: The RMP/EIS states, “ROWs could cause direct impacts to wildlife habitat through....” There is the potential risk of direct mortality of birds, particularly raptors, due to electrical transmission ROW. We recommend that electrocution risk be addressed in the discussion.
- Page 4-159, “Impacts to Wildlife – Alternative D (Preferred Plan)” table, “Range Management – Livestock Grazing”: Because grazing can be a useful management tool to reduce the amount and extent of invasive vegetation, we recommend that the RMP/EIS incorporate provisions for implementing grazing to adaptively manage for invasive vegetation when appropriate and in accordance with sensitive species recovery plans and biological opinions.
- Page 4-160, “Impacts to Wildlife – Alternative D (Preferred Plan)” table: For the Clover Flat allotment, the RMP/EIS states “The proposed withdrawal of public lands to the Navy for inclusion in the Mountain Warfare Training Center would eliminate most of this allotment. Four of five pastures would be affected or removed as part of the withdrawal.” It appears that the proposed withdrawal of public lands for transfer to the Navy is not discussed in the RMP/EIS except in this section. The RMP/EIS should be revised to include a discussion of this proposed withdrawal of lands in the Clover Flat allotment and the effects of this action sensitive species and habitats.
- Page 4-164, “Impacts to Wildlife – Alternative D (Preferred Plan)” table: For “Land Tenure”, the RMP/EIS, “These HCPs include the Western Riverside County MSHCP, San Diego MSCP, and the San Gabriel and Castaic Ranges Habitat Linkage Plan.” This list should include the Stephen’s Kangaroo Rat Habitat Conservation Plan. Lands for retaining, protective disposal, or sale/exchange also fall within this habitat conservation plan area.
- Page 4-320, “Salable Minerals” column of the “Impacts to Mineral Resources – Alternative D (Preferred Plan)” table: The RMP/EIS states, “Approximately 226,835 acres (both surface and split estate) or 75% of public lands are available for mineral material resources.” Based on the GIS data associated with the RMP/EIS, it appears that the following 13 parcels of BLM land in the MSCP preserve would be available for salable mineral disposal (since not in wilderness, WSAs, lands with wilderness characteristics, or ACECs): 269-251, 291-091, 292-301, 292-311, 300-121, 300-020, 290-081, 290-201, 290-291, 255-151, 255-271, 269-081, 283-171. Some of these parcels would be retained and some would be available for protective disposal. As stated above in the “General Comments on Alternatives” section, we recommend BLM lands within conservation areas of the MSCP not already within designated ACECs or wilderness be

designated within an ACEC and that these ACECs be withdrawn from salable mineral disposal.

#### **Appendix E, Best Management Practices**

- The “Resources of Concern and Stipulations Including Exceptions, Modifications, and Waivers by Alternative” table includes Santa Ana sucker and Riverside fairy shrimp as resources of concern occurring in the RMP planning area. However, these species are not included in Table 3-4 or discussed in Section 3.7 (pages 3-44 to 3-51). Both species are known to occur within the RMP planning area boundaries. While we are unaware of occurrences of either species on BLM lands, both species, particularly the Riverside fairy shrimp, have the potential to occur on or near BLM-owned and split estate lands in the planning area.

We appreciate the opportunity to comment on the referenced RMP/EIS. Please contact Fish and Wildlife Biologist Tannika Engelhard at (760) 431-9440, extension 202, if you have any questions regarding our comments.



CENTER for BIOLOGICAL DIVERSITY

*protecting and restoring natural ecosystems and imperiled species through  
science, education, policy, and environmental law  
Via Website, E-mail and Fed Ex*

12/21/2011

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RECEIVED  
BUREAU OF LAND MANAGEMENT

**Re: Comments on the Draft Resource Management Plan Revision and Draft  
Environmental Impact Statement for the South Coast Planning Area. 76 FR 59155**

Dear Mr Hill:

On behalf of the members and staff of the Center for Biological Diversity (Center), I submit these comments on Draft Resource Management Plan Revision and Draft Environmental Impact Statement for the South Coast Planning Area. The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 320,000 members and supporters throughout California and the western United States, including members in South Coast Planning Area.

The South Coast ecoregion is identified as part of one of only twenty-five international biodiversity hotspots.<sup>1</sup> Additionally, the south coast ecoregion also supports almost half of the human population in California<sup>2</sup>, making these five counties the most densely populated in the State. Because of the human population density, the South Coast ecoregion has already sustained significant impacts from development, and the public land parcels are essential in either directly or indirectly protecting these invaluable biodiversity resources

We understand that updating a resource management plan is no easy undertaking and there are many issues as well as perspectives on how to address those issues among the public, cooperating agencies, and other entities that the Palm Springs Field Office must consider in its planning process. We hope that our comments will be helpful and we are always available for clarification and discussion.

1 [http://www.biodiversityhotspots.org/xp/Hotspots/california\\_floristic/Pages/default.aspx](http://www.biodiversityhotspots.org/xp/Hotspots/california_floristic/Pages/default.aspx)

2 [http://factfinder.census.gov/servlet/GCTTable?\\_bm=y&-geo id=04000US06&- box head nbr=GCT-PH1&-ds name=DEC\\_2000\\_SF1\\_U&-format=ST-2](http://factfinder.census.gov/servlet/GCTTable?_bm=y&-geo id=04000US06&- box head nbr=GCT-PH1&-ds name=DEC_2000_SF1_U&-format=ST-2)

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Washington • Illinois • Minnesota • Vermont • Washington, DC

Ileene Anderson, Biologist

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## General Legal Requirements

In managing public lands and developing resource management plans, the Bureau of Land Management (hereinafter "BLM") must adhere to a number of important statutory requirements, including the following:

- The National Environmental Policy Act (hereinafter "NEPA") requires agency environmental impact statements (hereinafter "EIS") to contain a discussion and analysis of the direct, indirect and cumulative environmental impacts from the relevant projects or actions. 42 U.S.C. § 4332(C); 40 C.F.R. 1508.7. In addition, NEPA requires that EISs identify and discuss alternatives to the proposed action. 42 U.S.C. § 4332(C). NEPA also mandates, as essential to the fulfillment of the former two requirements, that EISs describe the existing environmental conditions in the affected area. 40 C.F.R. 1502.15.
- The Federal Land Policy and Management Act (hereinafter "FLPMA") requires that the BLM "take any action necessary to prevent unnecessary or undue degradation of the lands" and "minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved." 43 U.S.C. §§ 1732(b), 1732(d)(2)(a). Under FLPMA, the BLM must "prepare and maintain on a continuing basis an inventory of all public lands and their resources and their values," giving priority to areas of critical environmental concern ("ACECs"). 43 U.S.C. § 1711(a). "This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values." 43 U.S.C. § 1711(a). The resources inventory is intended to form the basis of the land use planning process. 43 U.S.C. § 1701(a)(2). As courts have found, it is arbitrary and capricious for BLM to approve a management plan based on "outdated and inadequate inventories" of affected resources on public lands. *See CBD et. al., v. BLM*, 422 F. Supp. 2d 1115, 1167 (N.D. Cal. 2006); *ONDA v. Rasmussen*, 451 F.Supp. 2d 1202, 1213 (D. Or. 2006).
- The Endangered Species Act (hereinafter "ESA") provides that each "Federal agency shall, in consultation with and with the assistance of the Secretary [of the Interior], insure that any" agency action "is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification" of such species' critical habitat. 16 USC § 1536(a)(2).
- President Nixon signed Executive Order 11644 in 1972. That order mandates that Off Road Vehicle (ORV) use shall only be permitted on public lands in accordance with the following criteria:
  - (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.

- (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.
- (c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors. 37 Fed. Reg. 2877 (1972).

- Executive order 11644 was amended by Executive Order 11989 which gave the BLM the authority to close areas of the public lands that were suffering "considerable adverse affects" from ORV use. 42 Fed. Reg. 26959 (1977).

### **The DEIS Fails to Establish Measurable Goals and Objectives**

Goals and objectives are key to managing resources and should be the heart of any resource management plan. However, the goals and the objectives in particular included in the RMP/DEIS fail to establish any measurable metrics to be able to evaluate if, in fact, the "desired outcomes" of the proposed goals are actually being met. For example, the goals and objectives for "Special Status Species" fail to include any quantitative goals or objectives for maintaining or protecting these vulnerable species (DEIS at 2-34 to 2-36). Absent a series of *quantitative objectives* for each of the resource areas, the RMP can not integrate essential adaptive management into resource management. Because of this overarching failure to identify measurable goals and objectives, it renders the analysis of impacts from the proposed action and alternatives in the DEIS impossible. The BLM must clearly identify quantifiable goals and objectives in order to be able to measure success of management.

### **RMP Fails to Provide Sufficient Inventory of Resources and Fails to Address All Sensitive Species in the Plan Area**

The RMP does not provide a detailed inventory of the resources in the planning area as required by FLPMA including species and habitats. This information is critical to inform good planning on public lands and the NEPA process.

In addition, the RMP does not include all of the sensitive species that have potential to occur on BLM lands in the project area. Because of that failure, the DEIS fails to evaluate the impact of the RMP on those resources, and therefore fails to comply with NEPA. For example,

- Because the Santa Ana sucker is also found on the Santa Clara River, it should be acknowledged as a resource of concern in the RMP and management for recovery should also be identified and included.
- The "Special Status Species" section fails to address all the sensitive species that occur on BLM lands, and instead incorrectly limits management direction (but fails to provide goals and objectives) for federally listed or candidate species. BLM is obligated to manage all rare species in order to prevent the need to list additional species in the future.



- All federally designated critical habitat that occurs on the BLM lands within the plan area should be limited to a 1% development cap (not just SKR as proposed in the RMP at 2-40) at a maximum to aid in the recovery of federally listed species within the plan area.

### **RMP Fails to Integrate Existing HCP/NCCP Requirements**

In order to help assure that meaningful conservation is achieved by HCPs and NCCPs, the RMP should unequivocally designate all public lands within the reserve boundaries identified in existing (and future plans) as Areas of Critical Environmental Concern (ACEC), and exclude development in these ACEC in compliance with the goals of the HCP/NCCPs. The designation of these important conservation areas as Wildlife Habitat Management Areas (WHMAs) provides no protection from development in practice.

### **Areas of Critical Environmental Concern**

All of the areas (both existing and proposed) identified in Appendix H have significant conservation values and should be included as ACECs in the RMP. In particular the Western Riverside County ACEC needs to be adopted and development excluded, because the Western Riverside HCP/NCCP includes all of these lands as “conserved public lands” and relies on their conservation as a key part of the plan’s conservation strategy. Any development on these lands would severely impact the integrity of the reserve design assembly for the whole HCP/NCCP upon which numerous cities and county departments depend on for “take” of federally and state listed endangered species.

Other proposed ACECs are also of great value to existing conservation strategies including connectivity for biological organisms at multiple scales.

### **Grazing**

The RMP approaches grazing in an outdated manner. Because of the extremely sensitive nature of the lands within the South Coast region and the number of rare and endangered species that rely upon them, grazing should be implemented only as a tool for habitat enhancement. Therefore we request that BLM add an additional grazing alternative that cancels the identified allotments and instead limits grazing to a beneficial use for species habitat enhancement, with clear quantitative goals and objectives established to achieve these goals.

### **Oil and Gas Leasing Needs to Be Phased Out**

While national energy independence is an important national goal, we need to immediately transition to renewable energy sources in order to reduce greenhouse gas emissions and avoid the worst consequences of global warming. Therefore, the RMP needs to include a bold strategy to phase out all existing oil and gas leases and allow no new oil and gas leases within the South Coast region.

## **Recreation Management Area Designations**

The RMP is unclear as to why designations of SRMAs and ERMAs are needed. The EIS needs to clarify the benefits and drawbacks of these designations, because they appear to be another planning layer that could require significant agency resources (i.e. development of management plans) without clear benefits to the resources. We fail to see the benefit of designating the whole South Coast area an ERMA if in fact the whole area would be an ERMA if no SRMAs were designated (DEIS 2-85). It is also unclear if designation of SRMAs and ERMAs would preclude all cross-country travel on BLM lands—a critical step in protecting the resources of these public lands.

## **Route Designation Analysis Incomplete**

While the Center supports route designation within the RMP area, it is unclear how the route-specific determinations were made. While Appendix K lists numerous “factors” that the interdisciplinary team applied (Appendix K pg 1), the DEIS provides no information on the biological issues associated with specific routes. Absent these types of data, it is impossible to evaluate the appropriateness of the proposed designation. As stated above, many of the lands within the plan area are of crucial value to the world class biodiversity in southern California and therefore, a careful analysis of the routes. It is also impossible to identify with any specificity if these routes are the established routes established under a previous NEPA process, or illegal user-created routes, or a hybrid - designated routes from previous NEPA documents along with illegal routes.

## **Land Tenure Adjustment**

The RMP identifies a suite of criteria (DEIS 2-93) that was used to identify BLM lands to be considered for “disposal”. Many of the criteria seem to support retention of parcels, not disposal. For example, disposal would be considered if disposal “Would benefit local habitat conservation planning initiatives and contribute to local government efforts” or “Would accomplish important regional resource management goals or meet essential community needs, including but not limited to maintenance or preservation of important wildlife species and associated habitat”. It seems like retention of these lands by the BLM and appropriate management for conservation would benefit conservation goals, not disposal.

Additionally, and similar to the route designation process, the process for determining disposal process and how the criteria were applied is not clear.

### Conclusion

The BLM should craft an RMP that will protect the unique and highly sensitive resources of the South Coast BLM lands. While Alternative B is the proposed conservation alternative, it still fails to include all appropriate actions to ensure that the resources are truly protected, as noted above.

Thank you for this opportunity to provide comments on the RMP/DEIS. Please fully consider the points listed above. We are happy to discuss any questions, concerns, or responses you have in relation to our comments, protecting wilderness characteristics, or other creative ways to help BLM with this planning effort. Please add us to the list for future correspondence on this issue.

Respectfully submitted,



Heene Anderson  
Biologist/Public Lands Desert Director  
Center for Biological Diversity  
8033 Sunset Blvd., #447  
Los Angeles, CA 90046  
323-654-5943

12/20/2011

Bureau of Land Management  
Palm Spring-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262



Subject: SCRMP

I am writing to communicate to your committee the need for complete access to the BLM land plot often referred to as the San Diego Border Mountain Area. As a California Hunter Safety Instructor I am always asked at the close of the class, "Where can we hunt close to San Diego?"

Of course, the answer is a vague general answer of the Cleveland National Forest. I am appalled that this vast land tract exists and that our local authorities have ignored mandates such as Executive Order 13443 and the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding.

It is your mandate, not a suggestion. This decision is simple. Unlock the gates, ALL OF THE GATES, and give the land back to the public at large. The largely over stated stumbling blocks are just that. Minimal public vehicular travel network would be a direct attempt to sort of comply without really complying with the above stated mandates.

Hunting has historically been a family sport of sons and daughters enjoying the sport with their parents. Harvesting plentiful game with the help of a good dog is an experience far too many residents of Southern California can not enjoy because of the lack of access to public land.

I am requesting to be added to all future mailing on this subject matter.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Douglas Streed".

Douglas Streed  
17062 Hwy 67  
Ramona, CA 92065  
[ddstreed@hotmail.com](mailto:ddstreed@hotmail.com)  
760 803-4750



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

DEC 19 2011

Mr. Greg Hill  
RMP Team Lead  
South Coast RMP  
Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, California 92262

Subject: South Coast Draft Resource Management Plan and Environmental Impact Statement, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, California (CEQ# 20110321)

Dear Mr. Hill:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the South Coast Draft Resource Management Plan pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EPA commends the BLM for developing a broad range of alternatives for sustainably managing the Planning Area, and is pleased that so many protective measures have been incorporated into the preferred alternative, Alternative D. These measures, coupled with the emphasis placed on coordination with regional habitat conservation planning, should serve as crucial safeguards for sensitive resources.

Based on our review of the Draft RMP/EIS, we have rated the preferred alternative and the document as EC-2, Environmental Concerns – Insufficient Information (see enclosed EPA Rating Definitions). The EPA is concerned with how emissions generated on BLM lands would affect the State Implementation Plans (SIP) for the nonattainment areas located within the Planning Area. We recommend that the Final EIS provide additional information on these projected emissions, the potential for enhanced oil and gas recovery through hydraulic fracturing, the development of renewable energy and transmission lines, and the effects of climate change on sensitive species. Additionally, we recommend the BLM include a climate change mitigation and adaptation plan within the RMP/EIS to account for, minimize, and mitigate the effects of climate change. Our detailed comments are enclosed.

We appreciate the opportunity to review this DEIS, and are available to discuss our comments. When the FEIS is released for public review, please send one hard copy and one CD-ROM to the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Jason Gerdes, the lead reviewer for this project. Jason can be reached at 415-947-4221 or [gerdes.jason@epa.gov](mailto:gerdes.jason@epa.gov).



Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Martyn Goforth', with a stylized flourish at the end.

Kathleen Martyn Goforth, Manager  
Environmental Review Office

Enclosure: Summary of the EPA Rating System

## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***"Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***"Category 2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***"Category 3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

**U.S. EPA DETAILED COMMENTS ON THE SOUTH COAST DRAFT RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT, SAN DIEGO, RIVERSIDE, SAN BERNARDINO, ORANGE, AND LOS ANGELES COUNTIES, CALIFORNIA, DECEMBER 19, 2011**

**Air Quality**

The EPA believes that the Draft RMP/EIS contains insufficient information to evaluate and disclose potential impacts to air quality (including cumulative and indirect impacts) and air quality related values for all the National Ambient Air Quality Standards for each fully evaluated alternative. The South Coast Planning Area encompasses portions of four air basins (Mojave, Salton Sea, San Diego, and South Coast) that are regulated by four air pollution control districts or air quality management districts (Antelope Valley AQMD, Mojave Desert AQMD, San Diego APCD and South Coast AQMD). These basins are in nonattainment for a variety of federally classified criteria pollutants, including ozone and PM<sub>2.5</sub> and PM<sub>10</sub>. The DEIS includes a general description of how federal actions conform to State Implementation Plans (SIP), and provides a qualitative account of activities in the Planning Area that generate air pollutants, but does not state whether a general conformity determination has been made for the preferred alternative, and if so, whether it conforms to the SIPs for the air basins contained within the Planning Area.

***Recommendations:***

- Clarify in the Final RMP/EIS the General Conformity regulatory framework and how it applies to the proposed RMP and future project-specific implementation. The Final RMP/EIS should demonstrate conformity for all pollutants for the air basins within the Planning Area that are in nonattainment or maintenance status, and whose construction or operational emissions would exceed the applicable de minimis levels. Conformity may be demonstrated by showing that the total direct and indirect emissions from the action are specifically identified and accounted for in the SIP.
- If analysis of general conformity to the SIP is more appropriate at the project-specific analysis level, we recommend the Final RMP/EIS include a specific commitment to future project-specific general conformity analysis.

***Mitigation***

In light of the poor air quality in the majority of the Planning Area, the EPA recommends the Final RMP/EIS include commitments to aggressive air quality mitigation measures during future project-specific construction. Future construction-related emissions of nitrogen oxides, a precursor for ozone and secondary PM formation, and direct PM could exacerbate nonattainment air quality standards and contribute to adverse cumulative air quality impacts. Mitigation measures will be necessary to reduce these construction emissions.

The EPA supports incorporating mitigation strategies to minimize fugitive dust emissions, as well as emission controls for PM and ozone precursors for construction-related activity. In addition to all applicable local, state, or federal requirements, the EPA recommends that the following mitigation measures be included in project-specific Construction Emissions Mitigation Plans in order to reduce impacts associated with emissions of PM, NO<sub>x</sub>, ROG<sub>s</sub> and other toxics from construction-related activities:

***Recommendations:***

***Fugitive Dust Source Controls:***

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

*Mobile and Stationary Source Controls:*

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections (Note: The California Air Resources Board has a number of mobile source anti-idling requirements, see their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>);
- Maintain and tune engines per manufacturer's specifications to perform at CARB and/or EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal<sup>1</sup> or State Standards<sup>2</sup>. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible<sup>3</sup>;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using CARB and EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels such as natural gas and electricity (plug-in or battery).

*Administrative controls:*

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;
- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and
- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which you will minimize impacts to these populations (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).

## **Hydraulic Fracturing**

Many of the oil fields in California, including those located in the South Coast Planning Area, are past their peak production rates, with many nearing the end of the reserves that can be extracted economically. However, due to higher oil prices and new technologies, enhanced oil recovery techniques and horizontal drilling could significantly increase the percentage of oil recovered profitably.

<sup>1</sup> EPA's website for nonroad mobile sources is <http://www.epa.gov/nonroad/>.

<sup>2</sup> For ARB emissions standards, see: <http://www.arb.ca.gov/msprog/offroad/offroad.htm>.

<sup>3</sup> Diesel engines < 25 hp rated power started phasing in Tier 4 Model Years in 2008. Larger Tier 4 diesel engines will be phased in depending on the rated power (e.g., 25 hp - <75 hp: 2013; 75 hp - < 175 hp: 2012-2013; 175 hp - < 750 hp: 2011 - 2013; and ≥ 750 hp 2011- 2015).

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
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The Draft RMP/EIS does not specify whether hydraulic fracturing will be utilized, nor does it assess the number of wells that presently, or in the future, would utilize hydraulic fracturing.

The Final RMP/EIS should fully discuss the extent to which hydraulic fracturing may be utilized and the areas where such activity could take place. The potential long-term impacts of dewatering and hydraulic fracturing to groundwater and potential sources of drinking water could be severe if not managed appropriately. Contamination associated with hydraulic fracturing in the Planning Area could threaten the suitability of the aquifers for future use.

***Recommendations:***

- Discuss, in the Final RMP/EIS, the potential use of hydraulic fracturing in future well drilling under each alternative, including the no action alternative.
- Analyze the potential impacts to groundwater resources in areas where hydraulic fracturing may occur.
- Incorporate, into the Final RMP/EIS, all measures to ensure groundwater resource protection from hydraulic fracturing, and describe any steps necessary to ensure BLM incorporates such measures into its permits.
- Identify, in the Final RMP/EIS, the potential future requirements applicable to operators for gathering information on water quality and depth of useable groundwater, and subsequently complying with protective requirements, as appropriate.

**Climate Change**

The DEIS provides only limited information about the greenhouse gas (GHG) emissions that would be generated in the Planning Areas once the Resource Management Plan is implemented. This is a concern, because both Executive Order 13514 and Secretarial Order No. 3289, among other directives, have charged the BLM with accounting for, and reducing, emissions resulting from federal land management practices, and considering and analyzing potential climate change impacts when developing multi-year management plans. Considering that the RMP, once implemented, will guide resource management decisions in the Planning Area for years to come, the BLM should choose an alternative that minimizes and mitigates GHG emissions to the greatest reasonable extent.

The DEIS also provides little detail about how climate change may affect the Planning Area. In the section labeled "Global Climate Change" on page 3-6, the BLM states that climate change may impact future water supplies and increase the "intensity and frequency of extreme storm events," and later, on page 4-213, that climate change could "increase the potential for wildland fires in frequency and intensity." There are no detailed descriptions, however, of how potential climate change effects, including the expected decreases in surface and groundwater, and warming of the Planning Area (which is stated in the DEIS as a potential statewide average temperature increase of 3 to 10.5 degrees Fahrenheit by 2100), may affect the 62 special status species that are known or suspected to occur on BLM lands. The EPA believes that the long duration of this management plan (most likely two or three decades), and the extreme warming anticipated to occur in the Planning Area, warrants a climate change mitigation and adaptation plan to account for, minimize, and mitigate the effects of climate change.

***Recommendations:***

The BLM should consider whether a quantitative comparison of projected GHG emissions for the preferred alternative, as well as the other alternatives, would be useful to decision-makers and the public, and, if so, include this information in the Final EIS. The FEIS should also identify options for minimizing and mitigating greenhouse gas emissions.

The Draft RMP/EIS does not specify whether hydraulic fracturing will be utilized, nor does it assess the number of wells that presently, or in the future, would utilize hydraulic fracturing.

The Final RMP/EIS should fully discuss the extent to which hydraulic fracturing may be utilized and the areas where such activity could take place. The potential long-term impacts of dewatering and hydraulic fracturing to groundwater and potential sources of drinking water could be severe if not managed appropriately. Contamination associated with hydraulic fracturing in the Planning Area could threaten the suitability of the aquifers for future use.

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- Analyze the potential impacts to groundwater resources in areas where hydraulic fracturing may occur.
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**Climate Change**

The DEIS provides only limited information about the greenhouse gas (GHG) emissions that would be generated in the Planning Areas once the Resource Management Plan is implemented. This is a concern, because both Executive Order 13514 and Secretarial Order No. 3289, among other directives, have charged the BLM with accounting for, and reducing, emissions resulting from federal land management practices, and considering and analyzing potential climate change impacts when developing multi-year management plans. Considering that the RMP, once implemented, will guide resource management decisions in the Planning Area for years to come, the BLM should choose an alternative that minimizes and mitigates GHG emissions to the greatest reasonable extent.

The DEIS also provides little detail about how climate change may affect the Planning Area. In the section labeled "Global Climate Change" on page 3-6, the BLM states that climate change may impact future water supplies and increase the "intensity and frequency of extreme storm events," and later, on page 4-213, that climate change could "increase the potential for wildland fires in frequency and intensity." There are no detailed descriptions, however, of how potential climate change effects, including the expected decreases in surface and groundwater, and warming of the Planning Area (which is stated in the DEIS as a potential statewide average temperature increase of 3 to 10.5 degrees Fahrenheit by 2100), may affect the 62 special status species that are known or suspected to occur on BLM lands. The EPA believes that the long duration of this management plan (most likely two or three decades), and the extreme warming anticipated to occur in the Planning Area, warrants a climate change mitigation and adaptation plan to account for, minimize, and mitigate the effects of climate change.

***Recommendations:***

The BLM should consider whether a quantitative comparison of projected GHG emissions for the preferred alternative, as well as the other alternatives, would be useful to decision-makers and the public, and, if so, include this information in the Final EIS. The FEIS should also identify options for minimizing and mitigating greenhouse gas emissions.

The Draft RMP/EIS does not specify whether hydraulic fracturing will be utilized, nor does it assess the number of wells that presently, or in the future, would utilize hydraulic fracturing.

The Final RMP/EIS should fully discuss the extent to which hydraulic fracturing may be utilized and the areas where such activity could take place. The potential long-term impacts of dewatering and hydraulic fracturing to groundwater and potential sources of drinking water could be severe if not managed appropriately. Contamination associated with hydraulic fracturing in the Planning Area could threaten the suitability of the aquifers for future use.

***Recommendations:***

- Discuss, in the Final RMP/EIS, the potential use of hydraulic fracturing in future well drilling under each alternative, including the no action alternative.
- Analyze the potential impacts to groundwater resources in areas where hydraulic fracturing may occur.
- Incorporate, into the Final RMP/EIS, all measures to ensure groundwater resource protection from hydraulic fracturing, and describe any steps necessary to ensure BLM incorporates such measures into its permits.
- Identify, in the Final RMP/EIS, the potential future requirements applicable to operators for gathering information on water quality and depth of useable groundwater, and subsequently complying with protective requirements, as appropriate.

**Climate Change**

The DEIS provides only limited information about the greenhouse gas (GHG) emissions that would be generated in the Planning Areas once the Resource Management Plan is implemented. This is a concern, because both Executive Order 13514 and Secretarial Order No. 3289, among other directives, have charged the BLM with accounting for, and reducing, emissions resulting from federal land management practices, and considering and analyzing potential climate change impacts when developing multi-year management plans. Considering that the RMP, once implemented, will guide resource management decisions in the Planning Area for years to come, the BLM should choose an alternative that minimizes and mitigates GHG emissions to the greatest reasonable extent.

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***Recommendations:***

The BLM should consider whether a quantitative comparison of projected GHG emissions for the preferred alternative, as well as the other alternatives, would be useful to decision-makers and the public, and, if so, include this information in the Final EIS. The FEIS should also identify options for minimizing and mitigating greenhouse gas emissions.

The Final RMP/EIS should discuss the applicability of, and utilize as appropriate, the climate change and carbon tools highlighted by the Forest Service's Climate Change Resource Center. Additional information at: <http://www.fs.fed.us/ccrc/tools/>

The BLM should describe how climate change may affect Planning Area sensitive species, and include a climate change mitigation and adaptation plan in the Final RMP/EIS.

### **Development of Renewable Energy and Transmission Lines**

The South Coast Planning Area has been identified as a region of considerable renewable energy potential, particularly wind. The DEIS states on page 3-129 that the BLM has "already received numerous inquiries for wind energy development." The Planning Area is also characterized in the DEIS as having moderate to high potential for geothermal resources. For solar, the DEIS states that "no inquiries or applications regarding the development of solar energy have been submitted for public lands in the South Coast Planning Area." It is still unclear, however, what the renewable energy development scenario is for the Planning Area, and how this potential development may be informed by the BLM/DOE Solar Energy Development Programmatic EIS and the Desert Renewable Energy Conservation Project (DRECP).

#### ***Recommendation:***

The EPA recommends that the BLM provide additional information in the Final RMP/EIS detailing the suitability of the South Coast Planning Area for renewable energy development, anticipated renewable energy and transmission projects (both pending, and reasonably foreseeable), and how changes resulting from the Solar Programmatic EIS and the DRECP will be incorporated into the South Coast RMP/EIS.



Thomas G. Acuna  
Land Planning Supervisor  
Environmental Programs

San Diego Gas & Electric Co.  
8316 Century Park Ct  
San Diego, CA 92123

Tel: (858)-637-3701  
tgacuna@semprautilities.com

December 16, 2011

John Kalish  
Field Manager  
Palm Springs – South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262

**RE: San Diego Gas and Electric Company Comments on the Bureau of Land Management Draft South Coast Resource Management Plan Revision and Environmental Impact Statement**

Dear Mr. Kalish:

San Diego Gas and Electric (SDG&E) appreciates the opportunity to provide comment on the Draft South Coast Resource Management Plan (SCRMP) and Environmental Impact Statement (EIS). SDG&E has specific interest in the Plan because it overlaps SDG&E's electric and gas service territory. Our review of the SCRMP (the Plan) indicate that some existing electric distribution and transmission facilities, including future energy corridors, could be affected by the alternatives identified within the EIS. Therefore, this comment letter will identify SDG&E's existing facilities, provide SCRMP recommendations, and provide an overview of SDG&E's environmental programs designed to support land use plans similar to the SCRMP.

**Existing Facilities** - Attached is a map of the SCRMP with an overlay showing the location of existing SDG&E electric facilities. Five key general areas and their relationship with SDG&E should be noted:

- 1) Otay Mountain Wilderness Area – An existing distribution line and access road follows the northerly ridgeline of Otay Mountain to its peak. This line provides power to essential communication facilities.
- 2) Otay Mountain Wilderness Northwest – The Imperial Valley to San Miguel transmission line traverses this area.
- 3) Hauser Canyon Area - Multiple distribution lines run along the edge of this proposed Wilderness Study Area (WSA) and Area of Critical Environmental Concern (ACEC).
- 4) Beauty Mountain Area - Multiple distribution lines run along the edge of this proposed WSA and ACEC.
- 5) Remote BLM Parcels South of Warner Springs - A number of smaller BLM parcels contain electric distribution facilities.



6) Southern Edge of SCRMP – A dedicated 368 Energy Transmission Corridors passes over this portion of the SCRMP.

**SCRMP Recommendations-** SDG&E recommends that all proposed alternatives incorporate general and specific measures:

#### General

1. All SDG&E facilities require unobstructed access to ensure system reliability and safety. SCRMP policies need to keep utility roads open without restriction.
2. System safety requires the constant maintenance to keep facilities clear of vegetation from their base to help prevent fires. Potential power line contact with trees requires regular tree trim or removal. SCRMP policies need to allow and promote these utility requirements.
3. Management of existing facilities and consideration for future utility transmission, right of ways (ROW) and land use authorizations associated with utility provider facilities across proposed special designated lands.

#### Specific

1. Land Tenure Adjustments/Sale or Transfer of BLM Lands -Approximately 971 acres of BLM parcels are proposed for disposal through exchange or sale and another 2,861 acres for protective disposal for conservation management. As noted in item 5 under Existing Utilities above, a number of BLM parcels, including but may not solely be limited to parcels 249-321 and 249-172 (Draft Revised SCRMP Map 2-66), contain SDG&E facilities that could be transferred in the future. To ensure that SDG&E retains adequate land rights, the SCRMP should include language that pre-existing land use holders be given notice prior to transfer and that BLM consider permanent rights as condition of transfer.
2. Otay Wilderness Area- the SCRMP should incorporate a non-wilderness corridor along the access roads to the Peak of Otay Mountain, including the distribution line serving it.
3. Energy Corridors - Uphold policies in allowing utilization of the West-wide Energy Corridor Final Programmatic Environmental Impact Statement (PEIS), which implements Section 368 of the Energy Policy Act of 2005. The 15.9 mile long by 1,000 foot wide corridor designated for electric transmission purposes is located within the South Management Area.
4. Beauty Mountain and Hauser Canyon – Existing electric distribution lines within these areas be recognized as providing essential service and that any required maintenance or right-of-way renewal be deemed consistent with the goals and objectives of these special areas.
5. Lands with special designations such as lands with wilderness characteristics, Pacific Crest Trail (PCT), lands with critical habitat and ACEC are proposed in the Plan,

specifically, special designation of lands outside of the wilderness areas of Beauty Mountain and Otay Mountain, that may have potential significant impacts to SDG&E facilities or SDGE's ability to operate, maintain or repair facilities and ROWs within subject lands. SDG&E requests that any access route alterations, limitation of activity in special designated areas and land tenure adjustment in areas that contain existing roads and facilities would be communicated and coordinated to assure that valid existing rights remain in place.

6. Flexible Land Use Policy - Additionally, as our nation reaches the stage where reliable renewable energy is becoming viable alternative, utility providers are increasingly finding it difficult to provide transmission/grid connections to renewable zones for the region they serve. SDG&E recommends establishing policy within the SCRMP to allow important grid connections if certain criteria can be met. For example, a designated ACEC may have an existing road where a short transmission connection could be built parallel with minimal impact to the resources. Having this flexibility may avoid a more circuitous route with cumulative impacts at a larger scale.

**SDG&E Compliance Measures** – When considering the above recommendations, it is important to illustrate SDG&E comprehensive environmental programs designed to properly track SDG&E maintenance activities, protect state & federally protected endangered & sensitive species, and protect cultural & historical resources:

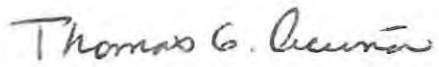
1. Tracking of Maintenance Activities – All Company activities that could create a ground disturbance must go through an SDG&E environmental review. Based on the review, an environmental release will be granted to the crew with conditions of approval. This review evaluates each maintenance activity and identifies the necessary measures to be compliant with air, water, natural resource, hazardous substances, and cultural/historic regulations.
2. Endangered & Sensitive Species - The Environmental Programs Department of SDG&E functions to assure that company activities remain in compliance with all applicable state and federal land use and environmental regulations. SDG&E operates under its own Natural Communities Conservation Plan (NCCP), which includes a Federal Endangered Species Act (ESA) Section 10(A) permit and a California Endangered Species Act (CESA) Section 2081 permit (for incidental take) with an Implementation Agreement with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), respectively, for the management and conservation of multiple species and their associated habitats, as established according to the Federal and State Endangered Species Acts and California's Natural Community Conservation Planning Act. The NCCP is a comprehensive program of measures to protect and enhance the recovery of species covered by CDFG and USFWS. The NCCP has undergone environmental review pursuant to CEQA, and CDFG prepared a Negative Declaration concluding that implementation of NCCP would not result in any significant impacts and would not require mitigation measures. The NCCP applies to all BLM lands within the SCRMP south of El Toro road in Orange County.

The NCCP allows SDG&E to develop, maintain and repair its facilities within the NCCP coverage area which generally falls within the San Diego County Management Area of the SCRMP. The NCCP's Implementing Agreement states that the mitigation, compensation and enhancement obligations contained in the Agreement and the NCCP meet all applicable standards and requirements of the California Endangered Species Act, the Federal Endangered Species Act, the Natural Communities Conservation Plan Act, and the Native Plant Protection Act with regard to SDG&E's activities in the Subregional Plan Area. Additionally, SDG&E utilizes internal Standard Operating Procedures and Best Management Practices (BMPs) to further protect sensitive resources and minimize environmental impacts such as erosion and sedimentation. SDG&E believes that the combination of these measures and the implementation of its NCCP serve to effectively protect natural resources on BLM managed public lands within the Palms Springs South Coast Field Office jurisdiction.

3. National Historic Preservation Act, Section 106 Compliance:  
SDG&E's cultural resources group reviews all ground disturbing activities for potential impacts to archaeological resources, in compliance with local, state, and federal regulations. For projects with a federal nexus, this includes consideration of adverse effects to resources listed in or eligible for listing in the National Register of Historic Places. SDG&E's review begins with a records search. Through a contract with the South Coastal Information Center (SCIC), SDG&E has records search information for San Diego and Imperial Counties; this information is updated quarterly and used in a GIS screening tool. If the location has not been covered previously by an adequate field survey, qualified on-call consultants are deployed to conduct a Class III inventory which includes the project area and an adequate buffer. Measures are incorporated into the project to avoid adverse effects, to the greatest extent possible. SDG&E cultural resources staff has a valid BLM-issued Cultural Resources Use Permit (CA-09-15), with Dr. Susan Hector as the permit administrator.
4. Paleontological Resources Preservation Act of 2009:  
The Environmental Programs Department ensures compliance with Public Law 111-11, Title VI, Subtitle D, to prevent impacts to paleontological resources on federal lands. Measures include records searches obtained from the San Diego Natural History Museum and other institutions as appropriate, field surveys, and project monitoring by qualified consultants.

In closing, SDG&E supports a balanced approach to resource protection and conservation as well as multiple uses on public lands in California. SDG&E requests the support of the Palm Springs BLM field office in allowing for continued operation, maintenance, repair and access to existing infrastructure. Should you have any questions please do not hesitate to call me.

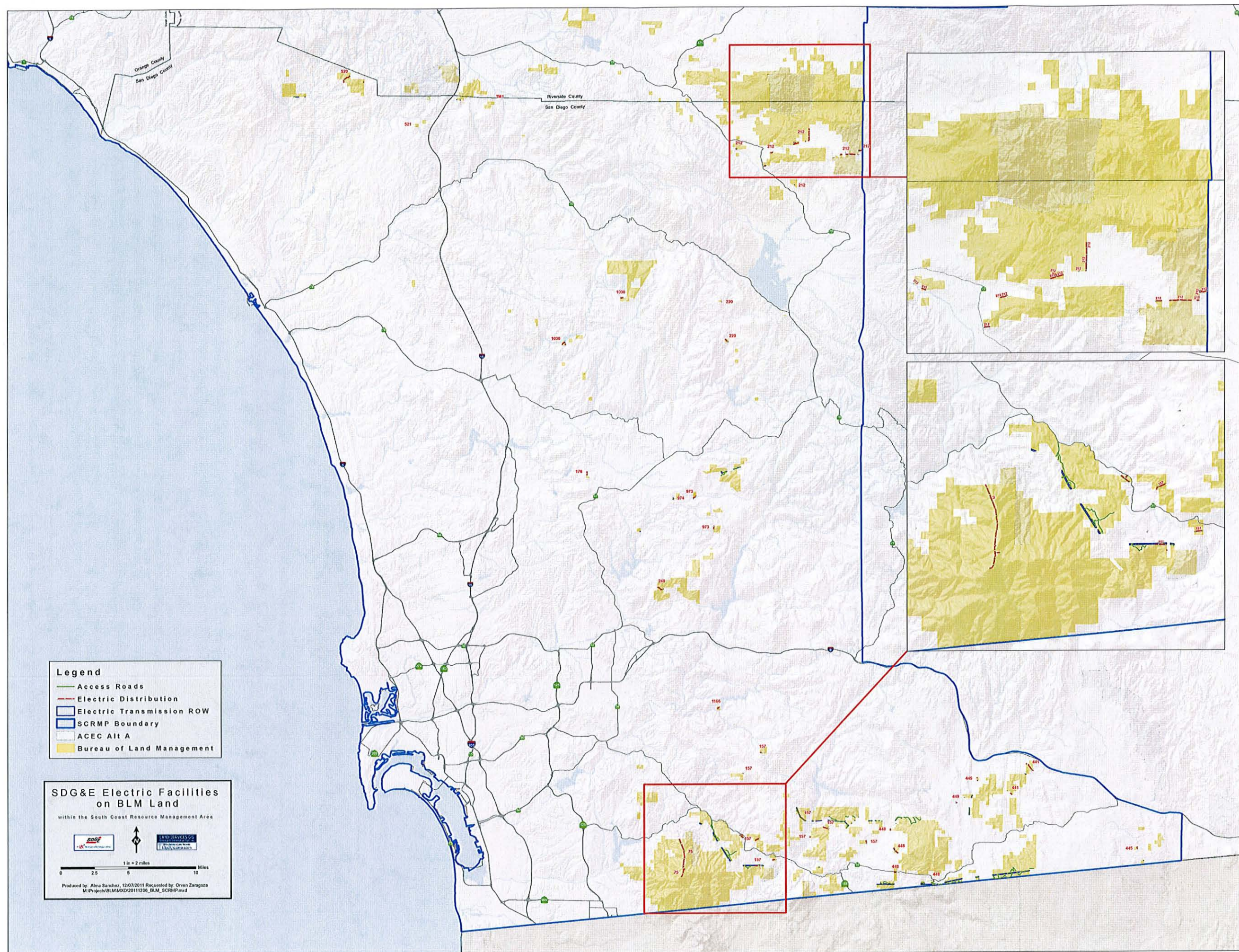
Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Acuna".

Thomas G. Acuna  
Land Planning Supervisor  
Environmental Programs  
San Diego Gas & Electric Company  
(858) 637-3701

Cc: Cameron Durckel, SDG&E Public Affairs Manager  
Bonnie Reddick, SDG&E Right of Way Supervisor









RECEIVED

BUREAU OF LAND MANAGEMENT

## South Coast Resource Management Plan Revision

11 DEC 21 PM 2:03

## COMMENT FORM

Date: 12/17/11Name: Mary Bradley

Are you submitting comments as an official representative of an agency or organization? If so, please include your title and the name of organization or agency you represent:

Mailing Address: 9865 Old Ridge Rd., Spring Valley, CA 91977Phone Number/E-Mail Address (optional): L-mbradley@hotmail.com

(Please be as specific as possible with your comments)

Dear BLM,

It is my understanding that your agency is considering changing how land controlled by the BLM will be managed. After careful consideration I hope that you will decide option A is the best one. I have friends and family members who enjoy riding their horses on these open areas. I have friends who graze their livestock on BLM land. Please do not shut us out! Keep these areas open and productive. It's good for our economy and for the enjoyment of this generation and the ones to come.

Please submit your comments to:

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92258  
[www.blm.gov/ca/st/en/fo/palmsprings.html](http://www.blm.gov/ca/st/en/fo/palmsprings.html)

Sincerely,

Mary Bradley  
4-H Club  
Leader  
& Horse lover

Submit comments by: December 21, 2011



San Dieguito River Valley  
Regional Open Space Park  
18372 Sycamore Creek Road  
Escondido, CA 92025  
(858) 674-2270 Fax (858) 674-2280  
www.sdrp.org

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Becky Bartling, Ex Officio  
22nd District Agricultural Assoc.

Dick Bobertz  
Executive Director

John Kalish, Field Manager

December 7, 2011

BLM Palm Springs-South Coast Field Office

1201 Bird Center Drive

Palm Springs, CA 92262

SUBJECT – South Coast Resource Management Plan Revision

Dear Mr. Kalish,

The San Dieguito River Park Joint Powers Authority shares the BLM objectives of protecting lands of high-value habitat and providing public recreation opportunities where appropriate. I believe the Draft Management Plan Alternative D best facilitates exchanges of land to accomplish those objectives.

An example of such an exchange is the proposal of Mr. James Salvatore who has a proposal on record (August, 2000) for a land exchange of a high-value habitat parcel he owns adjacent to the San Dieguito River Park. He has offered to exchange that parcel with an isolated BLM parcel (BLM parcel 262-221) which is located adjacent to another parcel on which he resides. The BLM property is not accessible for public benefit. The land that could be exchanged with Mr. Salvatore would expand an existing natural habitat preserve when brought into the River Park boundary. That action could occur quickly with a one-meeting action by the Joint Powers Authority Board.

Please let me know if I can provide any additional information to assist your review.

Sincerely,

  
Dick Bobertz, Executive Director

San Dieguito River Park Joint Powers Authority

cc: San Diego County Supervisor Dianne Jacob

RECEIVED  
11 DEC -9 PM 2:47  
SAN DIEGO COUNTY SUPERVISOR'S OFFICE

Mr. John Kalish  
BLM South Coast Field Office Manager  
1201 Bird Center Drive  
Palm Springs, CA 92262

Dear Mr. Kalish:

Thank you for soliciting comments in response to the revised South Coast Resource Management Plan (RMP).

I urge the BLM to recommend the Santa Margarita River for protection as a Wild & Scenic River in the final RMP. The Santa Margarita River is regarded as one of the last free flowing rivers in southern California and it possesses outstandingly remarkable scenic, recreational, wildlife, botanical, ecological, scientific, and historical/cultural values. About 10 miles of this scenic river between Interstate 15 and the eastern boundary of Camp Pendleton flow largely through public lands managed by the BLM, as well as state and local agencies. The BLM should consider Wild & Scenic protection for the entire 10-mile segment, to be jointly managed by the federal, state, and local agencies with jurisdiction along the river.

I urge the BLM to adopt Alternative B, which emphasizes the protection and conservation of natural resources, including wildlife and habitat. Alternative B also proposes protection for more Areas of Critical Environmental Concern (ACEC), including an expanded Santa Margarita River Ecological Reserve ACEC and establishment of the newly proposed Upper Santa Clara River ACEC. In addition, Alternative B proposes to protect all lands with wilderness characteristics and to reasonably limit grazing and off-highway vehicle use to protect wildlife habitat, water quality, and other uses of the public lands.

Please notify me when the BLM completes a final South Coast RMP for public review.

Sincerely,  
Lucy G. Clark  
HC 3 Box 88  
Granite Station  
Bakersfield, CA 93308

lucyg391@gmail.com

*Lucy G. Clark*

12-13-2011

RECEIVED  
BLM SOUTH COAST FIELD OFFICE  
11 DEC 16 AM 11:58  
BIRMINGHAM, AL

BLM Palm Springs - South Coast Field Office  
1201 Bird Center Drive,  
Palm Springs, CA 92262

December 13, 2011

RE: Comment on Draft RMP/EIS

ALTERNATIVE PLAN B SHOULD BE CHOSEN TO REPLACE THE CURRENT PLAN A IN THE SOUTH COAST RESOURCE MANAGEMENT PLAN REVISION.

As the plan that offers the "maximum preservation of the Planning Area's natural and cultural resources," Plan B should be adopted. Relentless population growth, resulting in an ever-increasing demand for undeveloped land, leaves no choice but to radically change the pattern of overuse traditionally practiced on BLM lands. As noted in the Draft, the Planning Area, especially in San Diego County, contains the most biologically diverse and sensitive lands in the United States. Due to the unprecedented scope and pressures of human activity, BLM should and must move to COMPLETELY PROTECT the open space under its control.

Specific issues include:

OHV Recreation –

The Draft notes the explosive growth of OHV use in Southern California. Rather than attempting to accommodate this form of recreation, BLM should dramatically reduce access to BLM lands for off-road vehicle use. OHV use increases greenhouse gases, damages soil surface integrity, promotes erosion, disturbs wildlife habitat and behavior, and is completely inconsistent with an experience of natural environments.

The Draft estimates that only 2-4% of prehistoric cultural sites on BLM lands have been located. The unwitting use of an OHV can destroy such ancient sites within seconds, rendering them useless for religious purposes or scientific study. The justifications for use of these machines pale next to the cost levied against future generations of Americans who have a right to expect that their open spaces are protected from such needless abuse.

For these reasons, OHV Areas and OHV Routes should be severely restricted, and eventually eliminated. Alternative Plan B provides the best choice in the Draft, but does not go far enough in restricting OHV use.

Grazing Allotments –

After OHV use and oil/mineral extraction, livestock grazing has been the most destructive of past BLM uses. This anachronistic, damaging and progressively meaningless activity should be phased out on federal lands. Meat production is the most energy intensive and least efficient food source. Livestock create methane gases, adding to greenhouse gases. Soil surface integrity is damaged by hooves. Natural grasses are depleted, encouraging the growth of destructive, non-native species. Cultural sites are

degraded or destroyed. Cattle browse on oak species saplings, destroying the reproduction of whole colonies of oak woodlands.

Therefore, Grazing Allotments should be greatly reduced with an eventual goal of their elimination. Alternative Plans B and D are an improvement over Plan A, but do not go far enough in curtailing this outdated use of public lands.

#### Areas of Critical Environmental Concern (ACEC)–


The open spaces around Campo in San Diego County contain the biologically important La Posta Linkage, which provides large mammal movement between the Laguna Mountains and Mexico. Such linkages are very rare in San Diego County and are easily disrupted by human activity and development. For this reason, all BLM lands within the La Posta Wildlife Linkage should be considered for "Proposed ACEC Designation", including BLM lands along the border in this area and the BLM lands surrounding the La Posta Mountain Warfare Training Center.

In general, all ACECs should EXCLUDE grazing, oil and mineral exploitation, ROWs, and OHV use. Plan B ACEC policies are superior and should be adopted.

#### Route of Travel Designations –

In Plan D, Route BML0012 (.29 miles) in Cameron Corners is designated as "Limit to street legal". It should be re-designated "Closed-admin only" (Plan B) for the following reasons:

- The route lies entirely within a Withdrawal Area ("Area G") proposed by the Mountain Warfare Training Center (U.S. Navy). By definition, a withdrawal is closed to use by the general public.
- The route is accessible only by private road requiring the public to trespass on private property.
- The route has deteriorated due to erosion to the point of being practically impassable.
- During the BLM Workshop conducted in Jamul, CA on November 29, 2011, BLM Field Manager John Kalish and other BLM employees acknowledged that the Plan D designation for BML0012 is incorrect and should be changed to "Closed-admin only".

  
Brian Fallgren  
32092 Hwy 94  
Campo, CA 91906  
(619) 478-2149



11-11-11

Bureau of Land Management  
Palm Springs South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262

Attention: Greg Hill

RECEIVED  
BUREAU OF LAND MANAGEMENT  
11 NOV 17 AM 9:08  
JULIA WOODS  
PSP/PAF/AREA

Dear Mr. Hill,

I live with my family on Marron Valley Road in Dulzura, California, and want to air our opinion concerning the gate to BLM land accessed from Marron Valley Road. In brief, we would like to see it kept locked and inaccessible to vehicles.

I express this on behalf of my family so as to hopefully keep the target shooting and hunting, not to speak of excess traffic, away from residential activities, families, pets and the children of this neighborhood.

There are already other existing entrances that offer public access without encroaching on our nearby residences and Marron Valley Road, which is a two lane road with heavy usage due to a nearby shooting range and it being a main thoroughfare used by the Border Patrol.

There are three other entrances to this BLM area, including the Otay Lakes entrance, the "pink gate" entrance just east of the Border Patrol check point, and another behind the existing rod & gun club. These alternate entrances would have the least impact on people since there are fewer homes nearby.

So we are appealing that the "Chicken Ranch" gate remain closed to vehicles to continue the necessary control and supervision needed to enforce the local law, BLM rules and safety of the community.

Thank you,

  
Grant Montgomery  
1373 Marron Valley Road  
Dulzura CA 91917

DEAR BLM,

November 10, 2011

Understanding that public lands should be open and available to the public where warranted and manageable, I believe that the Marron Valley "Chicken Ranch" gate should continue to REMAIN LOCKED and or CLOSED TO VEHICLES..

There are already existing entrances that offer access to the public without encroaching on residences and already overcrowded two lane roads. There are four major entrances to this area I believe you have overlooked the importance of using one the other three. The three other include the Otay Lakes entrance, the "pink gate" entrance just east of the Border Patrol check point, and another behind the existing rod & gun club. These alternate entrances have the least impact on people that have homes nearby.

The idea of using the Chicken Ranch gate as a staging area to this area not only has a huge impact on the daily living of our entire community, it also has a severe and direct impact on people who are BLM neighbors. Of the four possible locations to this area, the "Chicken Ranch" gate has the highest population of houses and proximity to people. By keeping the Chicken Ranch gate closed and utilizing one of the other existing entrances you can ensure the ongoing safety of the Dulzura community while also providing public access to BLM open areas. Only in this way can you keep the majority of the hazardous traffic, hunting, sporting, and target shooting away from residential activities, families, pets and the children of this neighborhood.

Further, clear land/environmental abuse and violations are an ongoing problem in this area -even with the gate locked- which will only be more prevalent and harder for prevention/detection/citations and remediation. An increase in traffic will bring increase of shooting, which means an increased fire danger in an already hazardous wildfire area and to the properties and residences that are near this gate. One clear example of this is the fire we recently had on Marron Valley road by target shooters shooting at a propane tank on BLM property which caused a major fire here this year. Leftover trash, targets, discarded cans, signs, old furniture and yes even discarded propane tanks. These pollutants combined with the frequent off trail vehicle use destroy the native chaparral and ecosystem. This creates long term damage the very habitats which support the game prey, birds and open areas that hunters, shooters, hikers, naturalists and bird watchers are using BLM lands for.

Chicken Ranch gate should remain LOCKED or perhaps CLOSED TO VEHICLES ( like the pink gate) to continue the necessary control and supervision needed to enforce the local law, BLM rules and safety of the community. These rules and continuing enforcement by BLM are crucial and necessary in ensuring that the land is capable of sustained use- which must be a condition for any public use of public lands.

Thank you,  
Doug Kaul  
1239 Marron Valley Road , Dulzura CA. 91917

RECEIVED  
NOV 14 PM 4:38  
BUREAU OF LAND MANAGEMENT  
U.S. DEPARTMENT OF THE INTERIOR  
MARRON VALLEY AREA



South Coast Resource Management Plan Revision

COMMENT FORM

Date: 12-9-11

Name: Scott Pawley Senior

Are you submitting comments as an official representative of an agency or organization? If so, please include your title and the name of organization or agency you represent:

Mailing Address: 744 Harbison Canyon Rd El Cajon Ca 92019

Phone Number/E-Mail Address (optional): 619-249-1478

(Please be as specific as possible with your comments)

I Vote for Option A.

Keep our Land open

Please submit your comments to:

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92258  
[www.blm.gov/ca/st/en/fo/palmsprings.html](http://www.blm.gov/ca/st/en/fo/palmsprings.html)

Submit comments by: December 21, 2011

RECEIVED  
BUREAU OF LAND MANAGEMENT  
11 DEC 14 PM 1:13



South Coast Resource Management Plan Revision

COMMENT FORM

Date: 12-9-2011

Name: Kandy Pavley

Are you submitting comments as an official representative of an agency or organization? If so, please include your title and the name of organization or agency you represent:

Mailing Address: 744 Harbison Canyon Rd El Cajon <sup>Ca</sup> 92019

Phone Number/E-Mail Address (optional): 619-368-3255 Kandy Kim SD@  
Yahoo.com

(Please be as specific as possible with your comments)

I would like to strongly say that I  
would like option A. We pay tons  
of money in taxes and should have full  
use of the BLM land. The trails should  
remain open, the ranchers should be  
allowed to let livestock graze, this  
would greatly reduce wildfire spreading.  
BLM should be open for multi use  
bike (non-motorized) Hiking, with dogs  
horses. I also feel because we pay taxes  
we should not have to buy a permit.

Please submit your comments to:

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92258  
[www.blm.gov/ca/st/en/fo/palmsprings.html](http://www.blm.gov/ca/st/en/fo/palmsprings.html)

Submit comments by: December 21, 2011



South Coast Resource Management Plan Revision

COMMENT FORM

RECEIVED  
BUREAU OF LAND MANAGEMENT  
11 DEC 12 AM 8:23  
SOUTH COAST FIELD OFFICE

Date: December 9, 2011

Name: Beverly Falor

Are you submitting comments as an official representative of an agency or organization? If so, please include your title and the name of organization or agency you represent:

Mailing Address: 2453 Avenida Canoga, Alpine, CA 91901

Phone Number/E-Mail Address (optional): microroffset@yahoo.com 619-445-3102

(Please be as specific as possible with your comments)

I would like option A. We need to be able to go places that we can't now. Cattle need to be able to graze to keep grasses & some brush down for the wild fires that come. The people should be able to ride their horses, walk their dogs — camp, visit nature. I've grown up in the San Diego County area, my family has always taken advantage of visiting the out of the way areas. We truly need these options again.

Thank you, Beverly Falor

Please submit your comments to:

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92258  
[www.blm.gov/ca/st/en/fo/palmsprings.html](http://www.blm.gov/ca/st/en/fo/palmsprings.html)

Submit comments by: December 21, 2011



Map 2-20

↳ Needs legend item for "ALEC-AIT C"  
& language with Appendix H.

(Santa Margarita Ecological Reserve)

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## South Coast Resource Management Plan Revision

### COMMENT FORM

Date: 11-30-2011

Name: Nancy C. Horton

Are you submitting comments as an official representative of an agency or organization? If so, please include your title and the name of organization or agency you represent:

Mayor Pro Tem City of Canyon Lake

Mailing Address: nhorton@cityofcanyonlake.com

Phone Number/E-Mail Address (optional): 951-244-2928

*(Please be as specific as possible with your comments)*

City of CL would like 150 mglt  
of riparian for 2 parcels of BLM  
land within city limits.

Please submit your comments to:

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92258  
[www.blm.gov/ca/st/en/fo/palmsprings.html](http://www.blm.gov/ca/st/en/fo/palmsprings.html)

Submit comments by: December 21, 2011

Neal E. Anderson  
1342 Sheppard Drive  
Fullerton, CA 92831

November 3, 2011

South Coast RMP  
Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262  
<Greg\_Hill@blm.gov>

**RE: South Coast Draft Resource Management Plan and Environmental Impact Statement**

Gentlepersons:

I appreciate the opportunity to comment on the revised South Coast RMP. As a Southern California resident who values our natural resources, I wish to support Alternative B, the Conservation Alternative. Alternative B provides ample public access and continued consumptive uses while doing the best job of protecting our stressed biological systems. For example, compared to the Preferred Alternative, the Conservation Alternative reduces motorized access and gives more land the protection of designation as Areas of Critical Environmental Concern. It also better supports our very important multiple species plans, specifically the San Diego MSCP and Riverside MSHCP, which themselves balance environmental, public access, and economic goals.

However, there are significant shortcomings that cut across all the alternatives – including Alternative B. These should be addressed in the final RMP:

- Fuel treatments, such as clearing and prescribed burning, have serious adverse biological consequences, such as conversion to weedy, flammable species. Treatments should occur only where effective – in strategic locations at the urban-wildland interface to create access points and fuel breaks for firefighting activities – and only *as needed*. A non-scientific, predetermined acreage target should be eliminated.
- Lands that are part of the Riverside MSHCP and San Diego MSCP should be protected as Areas of Critical Environmental Concern, as this is most consistent with plan management guidance and species conservation goals.
- Due to habitat fragmentation, right of ways for renewable energy projects should be sited outside of Areas of Critical Environmental Concern.

Thank you for your agency's progress to date on this plan, and thank you for considering my views.

Sincerely,

*Neal E. Anderson*



**P.O. Box 893605  
Temecula, California 92589  
Phone: (951) 926-7416**

October 20, 2011

RMP Team Lead  
BLM Palm Springs – South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, California 92262

RE: Comments on the August 2011 South Coast Resource Management Plan: Draft Resource Management Plan and Environmental Impact Statement

Dear RMP Team Lead:

I have reviewed the subject document; particularly the alternatives described in Chapter 2 and would like to submit my preference for **Alternative B**, the Conservation Alternative, with the following reasons and/or comments:

- 1) Page 2-4: Alternative B provides for the prohibition of collecting dead or downed wood for personal use. These substrates are important for many animal species;
- 2) Page 2-5: While I support Alternative B in general, I'm wondering why Alternative B excludes the new construction of wildlife waters. In current times, with expansive development and fragmentation of native habitat areas, access to water for many species has been cut off. I would encourage you to reconsider and include new construction of wildlife waters as part of Alternative B;
- 3) Page 2-29: I strongly support Alternative B in "Conserving 99% of the remaining coastal sage scrub". This increasingly rare habitat supports many native species and has already been significantly reduced throughout its range;
- 4) Page 2-38: I am encouraged and fully supportive of both descriptions (Alternatives B and D) in providing conservation and protection for those lands within the Western Riverside County MSHCP;
- 5) Page 2-53: Table 2-8 ACEC's: The two rows seem backward to me. I would expect that Alternative B would provide for stronger restrictions, including wind energy development;
- 6) Page 6-1: Glossary: Just as an editorial note; "WHMA" is not listed in the Glossary.

Thank you for the opportunity to provide comments and state my preferred alternative. Best of luck to you with the rest of the process.

Sincerely,

Christine Moen  
Manager, Southwestern Riverside County Multi-Species Reserve

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*A Joint Powers Authority*

**RCHCA  
Board of Directors**

November 1, 2011

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RMP Team Lead  
BLM Palm Springs – South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, California 92262

**RE: Comments on the South Coast Draft Resource Management Plan  
Revision and Draft Environmental Impact Statement**

Dear RMP Team Lead:

The Riverside County Habitat Conservation Agency (RCHCA) is the agency that implements the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan (HCP). The SKR HCP was adopted and Federal and State Permits were issued in 1996. The Bureau of Land Management (BLM) was a signatory to the Implementing Agreement (IA) for the HCP. In the IA the BLM made certain commitments and it is in the context of those commitments that the RCHCA provides the comments that follow.

In reference to BLM lands in Riverside County, the RCHCA prefers Alternative B, generally because it provides greater protection for the reserve and surrounding areas that benefit the SKR, and also would support Alternative D with the following considerations applicable to both alternatives:

- Lands within SKR reserves should be excluded from mineral entry
- Lands within SKR reserves should not be available for new oil or gas leases
- Lands within SKR reserves should not be subject to salable mineral disposal
- As a general statement, lands within SKR reserves, whether designated as Special Recreation Management Areas (SRMA) or Extensive Recreation Management Areas (ERMA) should not be open to OHV use, horseback riding, hunting or shooting as these uses are not compatible with SKR persistence or good management practices. Should these uses be considered, it should be within the context of a plan that would provide for dedicated and controlled access, patrol, management, evaluation of impacts, and would solicit the input of adjacent land managers to ensure that the proposed uses do not negatively impact efforts to manage adjacent lands or pose undue burden on adjacent lands/land managers.

The Glossary is very helpful and we would encourage its expansion to include more of the acronyms that are used throughout the document.



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NAVY DEPT  
11 NOV -4 PM 4:26  
OFFICE OF THE  
SECY OF THE NAVY  
WASHINGTON, D.C.



## ***Conservation Biology Institute***

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136 SW Washington Ave. Suite 202  
Corvallis, OR 97333  
<http://www.consbio.org>

October 27, 2011

Greg Hill, Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, California 92262  
[www.blm.gov/ca/palmsprings](http://www.blm.gov/ca/palmsprings)

**Re: South Coast Draft Resource Management Plan Revision and Draft Environmental Impact Statement**

Dear Mr. Hill:

The Conservation Biology Institute is a nonprofit research institution that provides scientific guidance to jurisdictions, agencies, and other organizations in their efforts to conserve and manage lands for natural resources. CBI has been involved in several southern California Natural Community Conservation Planning (NCCP) programs since their inception. Therefore, my comments relate primarily to the relationship of the BLM South Coast lands to other lands conserved as part of the NCCP process.

1. Sec. 1.6 policies and guidelines. This section should include policies that pertain to wind energy development on public lands (Attachment A), and subsequent sections should incorporate these policies into the analysis of alternative management actions.
2. BLM lands are an integral part of the NCCP programs. Therefore, maps showing BLM lands should also show those lands conserved as part of the NCCP, showing the geographic relationship between BLM lands and other conserved lands, and the environmental analysis should consider impacts of management actions on adjacent conserved lands and the NCCP.
3. Table 2-1, Draft Alternatives Summary, and subsequent sections pertaining to these issues:
  - a. Special Status Species should also include all species covered by the NCCP programs, regardless of federal or state designation.
  - b. Wildland Fire Suppression should apply to all BLM lands, including Special Management Areas (Wilderness, WSAs, ACECs, etc.), because of the frequent wildfires over the past 2 decades.



- c. Fuels Management should focus on the removal of annual introduced grasses, which are more flammable than native species. Prescribed burning is probably not appropriate in the planning area.
  - d. ACECs should exclude ROWs for renewable energy, because such activities impact landscape integrity, even if special resource values are avoided.
  - e. BLM lands within the NCCP planning areas that are not wilderness areas should be designated as ACECs, not Wildlife Habitat Management Areas, in accordance with NCCP guidelines.
  - f. Acres Available for Disposal should not be allowed on lands supporting NCCP covered species.
  - g. Wind energy development should not be treated as an exception in ROWs Exclusion and Avoidance Areas.
4. Land uses in the Multiple Species Conservation Program (MSCP) core area in Border Mountain area. Because of the importance of BLM lands to the MSCP core area in south San Diego County, which is highly intact, implementing Alternative B or D would help maintain the integrity of the core and serve as a buffer to the Otay/Kuchamma Cooperative Management Area and other wilderness areas by:
- a. Designating ACECs on lands adjacent to the existing Otay/Kuchamaa Cooperative Management Area.
  - b. Prohibiting Mineral Resources development, as allowed by Alternatives A and C, which would fragment this area and disrupt ecosystem processes.
  - c. Prohibiting Special Recreation Management Areas, which would increase fire potential.
  - d. Prohibiting OHVs in areas supporting MSCP covered species, many of which are not federally or state-listed but which are highly restricted endemic species. OHVs should also be prohibited in the Border Mountain area where there is high fire potential.
  - e. Prohibiting disposal actions on BLM lands that are part of the MSCP.
  - f. Prohibiting ROWs for renewable energy projects which would fragment the integrity of the core areas, cause wildlife mortality, and increase fire potential. Renewable energy projects were not considered as compatible with MSCP conservation goals.
5. Vegetation. Section 3.5.2 should include a discussion of Maritime Succulent Scrub (MSS), which occupies much of BLM lands in the Border Mountain area and supports many MSCP covered species. This is the only area in the South Coast planning area that supports MSS.



6. MSCP covered species. Section 3.7 should recognize those species that are covered by the MSCP on BLM lands, as well as those federally and state listed species and BLM Sensitive Species. The Border Mountain area historically supported species which could be reintroduced.
7. Wind energy development. P. 3-162 states that *the energy policies of the Federal government would support this development under the existing RMP*. The statement should say may support this development, after review for compliance with all applicable policies and guidelines (see Attachment A). Renewable energy projects were not considered as compatible with NCCP conservation goals.

Thank you for the opportunity to comment.

Sincerely,

Jerre Ann Stallcup, M.A.  
Conservation Biologist

Attachment A – policies and guidelines that pertain to wind energy development on public lands

| <b>Policies and Guidelines that Pertain to Wind Energy Development on Public Lands</b><br>– Excerpted by Conservation Biology Institute March 2011  |   |
|---|---|
| <b>Guidelines</b>   | <b>Purpose and highlights of recommendations that relate to landscape/regional assessments</b>  |
| <b>Recommendations on measures to avoid, minimize, and compensate for effects to fish, wildlife, and their habitats</b><br><br><a href="http://www.fws.gov/windenergy/docs/Final_Wind_Energy_Guidelines_2_8_11_CLEAN.pdf">http://www.fws.gov/windenergy/docs/Final_Wind_Energy_Guidelines_2_8_11_CLEAN.pdf</a><br><br>U.S. Fish and Wildlife Service Draft Land-Based Wind Energy Guidelines (Feb. 8, 2011) | Draft Land-based Wind Energy Guidelines are intended to promote compliance with Endangered Species Act, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act and other relevant wildlife laws and statutes. Draft Guidelines founded upon a “tiered approach” - an iterative decision-making process for collecting information in increasing detail; quantifying the possible risks of proposed wind energy projects to fish, wildlife, and habitats; and evaluating those risks to make siting, construction, and operation decisions.<br><br>Tier 1 – Preliminary evaluation or screening of potential sites (landscape-scale screening of possible project sites)<br>Tier 2 – Site characterization (broad characterization of one or more potential project sites)<br>Tier 3 – Pre-construction monitoring and assessments (site-specific assessments at the proposed project site)<br>Tier 4 – Post-construction monitoring of effects (to evaluate fatalities and other effects)<br>Tier 5 – Research (to further evaluate direct and indirect effects, and assess how they may be addressed)                                     |
| <b>Draft Eagle Conservation Plan Guidance</b> , U.S. Fish & Wildlife Service, January 2011  | The Service recommends that Eagle Conservation Plans be developed in five stages to support take permits; at the end of each of the first four stages, project proponents determine which of the following <u>categories</u> the project, as planned, falls into: (1) high risk to eagles, little opportunity to minimize effects; (2) high to moderate risk to eagles, but with an opportunity to minimize effects; (3) minimal risk to eagles; or (4) uncertain.<br><br>First step is to identify sites within a broad geographic area that are both suitable for wind energy and have low potential for effects to eagles through a rigorous, landscape-scale site-assessment process. The site assessment should evaluate the suitability of a potential wind energy site within the ecological context of eagles, including considerations for the entire eagle life-cycle (i.e., breeding, migration, dispersal, and wintering.)  |
| BLM Instruction Memorandum No. 2010-156, 07/13/2010<br><br><b>Bald and Golden Eagle Protection Act – Golden Eagle National Environmental Policy Act and Avian Protection Plan Guidance for Renewable Energy</b><br><br>Program Area: Renewable Energy (Wind, Solar, Geothermal, and Transmission)   | In considering if a proposed project or action has the potential to impact golden eagles or their habitat, consider as part of the affected environment whether breeding territories/nests, feeding areas, roosts, or other important golden eagle use areas are located within the analysis area. The analysis area should be determined on an individual project-specific basis, and should be made in coordination with the FWS.<br><br><b>Direct and Indirect Effects Analysis:</b> Use the best available demographic, population, and habitat association data to analyze:<br>(a) potential direct and indirect impacts to individual birds and their habitat (e.g., direct mortality, destruction of eggs, nests, individual breeding territories, communal roosts, migration corridors, fragmentation of habitat, reduction in habitat patch size, disturbance from human presence, noise, commotion, etc.).<br>(b) potential direct and indirect impacts, if any, to the local or regional eagle population and their habitat.<br>(c) potential short-term and long-term effects of the project on golden eagle populations and their habitat. |





| <b>Policies and Guidelines that Pertain to Wind Energy Development on Public Lands</b><br>– Excerpted by Conservation Biology Institute March 2011   |   |
|--|---|
| <b>Guidelines</b>  | <b>Purpose and highlights of recommendations that relate to landscape/regional assessments</b>  |
|  | <p><b>Cumulative Effects Analysis:</b> An analysis of cumulative effects for golden eagles should be conducted if the NEPA analysis indicates that the project would cause direct or indirect impacts. Use appropriate geographic and temporal boundaries and best available information. Normally this would be at a broad scale.</p> <p><b>Best Management Practices:</b> BMPs that avoid or minimize the possibility of the unintentional take of eagles are expected to be developed by applicants in coordination with the FWS.</p> <p><b>Avian Protection Plans:</b> If the proposed project has the potential to impact golden eagles or their habitat, an Avian Protection Plan (APP) will be required by the BLM as a condition of the right-of-way grant. The APP must address siting, operations, and monitoring.</p>  |
| <p>BLM Instruction Memorandum No. 2011-060, FEB 07 2011</p> <p><b>Solar and Wind Energy Applications - Due Diligence</b></p> <p>(Program Area: Right-of-Way Management, Solar &amp; Wind Energy)</p> | <p>Updated due diligence requirements of right-of-way applicants for solar and wind energy development projects on public lands administered by the BLM. BLM wants to avoid the potential for land speculators to file applications for solar or wind energy rights-of-way on public lands that may hinder other applicants with serious interests in the potential development of solar or wind energy resources on public lands. These concerns can be mitigated by applying the applicant qualification requirements of the right-of-way regulations, requiring the timely submittal of a Plan of Development (POD) consistent with the requirements of the regulations, and informing project applicants at the time an application is filed that right-of-way applications are not assignable interests.</p> <p>The BLM will not accept a POD that is simply a conceptual plan of development. The POD must be of sufficient detail to provide the basic information necessary to begin the environmental analysis and review process for a proposed solar or wind energy project on public lands.</p> |
| <b>WIND ENERGY PLAN OF DEVELOPMENT</b>   | <p>The minimum requirements for an initial wind energy Plan of Development (POD) to be submitted prior to the end of the 3-year term of a site testing and monitoring authorization. The wind energy POD is a dynamic document that may require additional information during the NEPA review and analysis process. The initial POD template is just that, initial. It may require different information from the applicant depending upon the environmental resources that may be impacted, the location of the proposed project, and the timing of the project.</p> <p>5. Environmental Considerations</p> <p>a. General description of site characteristics and potential environmental issues (existing information)</p> <ul style="list-style-type: none"> <li>-Special or sensitive species and habitats</li> <li>-Special land use designations</li> <li>-Cultural and historic resource sites and values</li> <li>-Native American Tribal concerns Attachment 2 -3</li> </ul>   |



| <b>Policies and Guidelines that Pertain to Wind Energy Development on Public Lands</b><br>– Excerpted by Conservation Biology Institute March 2011   |  |
|--|--|
| <b>Guidelines</b>  | <b>Purpose and highlights of recommendations that relate to landscape/regional assessments</b>   |
|  | <ul style="list-style-type: none"> <li>-Recreation and OHV conflicts</li> <li>-Visual Resource Management (VRM) designations</li> <li>-Aviation and/or military conflicts</li> <li>-Other environmental considerations</li> </ul> <p>b. Design criteria (mitigation measures) proposed by applicant and included in POD</p>  |
| <p>BLM Instruction Memorandum No. 2011-059, FEB 07,2011,<br/> <a href="http://www.blm.gov">http://www.blm.gov</a></p> <p><b>National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations</b></p> <p>(Program Area: National Environmental Policy Act, Lands and Realty)</p> | <p>Through pre-application activities and NEPA process, the BLM works with applicants, federal land and resource management agencies, and stakeholders in identifying appropriate project locations that conform with federal law, regulation, and policy, and with existing land use plans, minimizing the need for land use plan amendment.</p> <p>For renewable energy rights-of-way, there are different types of alternatives considered by the BLM and the applicant during pre-application activities and that are suggested to the BLM by external parties through NEPA scoping and comments, such as modified site configurations, modifications to the proposed technology, different technologies, other BLM land locations, non-federal land locations, reduced project footprint/MW, and phased construction. There may be multiple locations on BLM lands identified through internal and/or external scoping that meet the purpose and need for action and reduce environmental impacts as compared to the application under consideration.</p> <p>NEPA documents for wind and solar energy rights-of-way must present an integrated analysis of whether and how direct, indirect, and cumulative impacts of a proposed action and alternatives may affect nationally designated systems or units, such as NPS lands; USFWS Refuges; U.S. Forest Service units; and designated Wilderness and units of the National Landscape Conservation System.</p> <p>Non-federal land alternatives considered by BLM and applicant during the pre-application process, including previously disturbed lands, and the rationale why they were not pursued by the agency or the applicant should be summarized in the NEPA document.</p> |
| <p><b>BLM Instruction Memorandum No. 2011-061</b></p> <p><b>Solar and Wind Energy Applications – Pre-Application and Screening</b></p>   | <p>“Smart from the Start”-- Early coordination and careful review of proposed renewable energy projects with Federal, state, tribal and local government agencies are required before BLM commits significant resources to the processing of solar and wind energy development right-of-way applications. BLM will require all prospective applicants to schedule and participate in at least two pre-application meetings with the BLM before filing an application for solar or wind energy development. If not previously held, meetings will also be required for any existing applications where a Notice of Intent (NOI) has not already been issued or the environmental review process has not been initiated for a project.</p> <p>The purpose of the pre-application meeting is to identify potential environmental and siting constraints, determine whether lands are available for proposed right-of-way uses, discuss potential alternative site locations, discuss timeframes for processing proposed applications, and inform applicants of financial obligations in processing an application. Other federal agencies (e.g., National Park Service, U.S. Fish &amp; Wildlife Service, Department of Defense, Forest Service, or U.S. Army Corps of Engineers), tribes, and state and</p>  |



| <b>Policies and Guidelines that Pertain to Wind Energy Development on Public Lands</b><br>– Excerpted by Conservation Biology Institute March 2011                        |   |
|---|---|
| <b>Guidelines</b>   | <b>Purpose and highlights of recommendations that relate to landscape/regional assessments</b>  |
| <b>(02/08/2011)</b>   | <p>local agencies (e.g., state fish and game agencies), will be invited to participate in the pre-application process to ensure issues and concerns can be given full consideration early in the process.</p> <p>The pre-application process can help identify necessary studies of environmental, wildlife, visual resource, and cultural resources or other information that may be needed; assess public interest and concerns; identify other existing authorized uses within or near the project area; and allow for possible consideration of potential alternative site locations and project configurations before a right-of way application is submitted to the BLM. The pre-application process provides an opportunity to direct development away from lands with high conflict or sensitive resource values towards low conflict areas such as previously disturbed sites, areas adjacent to previously disturbed or developed sites, and locations that minimize construction of roads and/or transmission lines.</p> <p>Applications for solar and wind energy development projects that are within specially designated areas that are closed to right-of-way applications or within BLM National Landscape Conservation System units (other than the California Desert Conservation Area) will not be accepted and will be rejected. The BLM may also exercise its discretion to not accept and to reject an application if a proposed project is determined, in consultation with other appropriate Federal land management agencies, to have the potential to cause unacceptable impacts to important resources and values, including impacts to specially designated areas. BLM retains the discretion to prioritize the processing of applications using screening criteria:</p> <ul style="list-style-type: none"> <li>• Low Potential for Conflict</li> <li>• Medium Potential for Conflict – projects that have resource conflicts that can potentially be resolved</li> <li>• High Potential for Conflict – more complex projects that will require a greater level of consultation, analysis, and mitigation to resolve issues or may not be feasible to authorize</li> </ul> |
| <b>Protecting Wilderness Characteristics on lands managed by BLM</b><br><br>Sec. Order # 3310, 12-23-2010   | <p>This secretarial order reaffirms that the protection of wilderness characteristics is a high priority for BLM by requiring that BLM inventory and describe BLM lands with wilderness characteristics and protect these characteristics when undertaking land use planning and project-level decisions. For project-level decisions where the land appears to have wilderness characteristics, BLM shall consider the potential effects of the proposed project on the wilderness characteristics and measures to minimize impacts. New policy guidance is expected this year.</p>  |
| <b>6300-1-WILDERNESS INVENTORY</b><br><br><b>6300-2 - CONSIDERATION OF LANDS WITH WILDERNESS CHARACTERISTICS IN THE LAND USE PLANNING PROCESS</b><br><br>BLM MANUAL DRAFT | <p>BLM guidance for identifying Lands with Wilderness Characteristics (LWCs). When citizen information regarding wilderness characteristics meets the minimum standard for further review, BLM shall evaluate the validity of proposed boundaries of the area(s), the existence of roads and other boundary features, the size of the area(s), and the presence or absence of wilderness characteristics. <u>Size</u>:(a) Roadless areas with over 5,000 acres of contiguous BLM lands. (b) Roadless areas of less than 5,000 acres of contiguous BLM lands where they are contiguous with lands which have been formally determined to have wilderness or potential wilderness values, such as USFS Wilderness Study Areas or areas of Recommended Wilderness by USFS or NPS, (c) the area is of sufficient size as to make practicable its preservation and use in an unimpaired condition. <u>Naturalness</u>: It must appear to have been</p>   |



| <b>Policies and Guidelines that Pertain to Wind Energy Development on Public Lands</b><br>– Excerpted by Conservation Biology Institute March 2011   |   |
|--|---|
| <b>Guidelines</b>  | <b>Purpose and highlights of recommendations that relate to landscape/regional assessments</b>  |
|  | <p>affected primarily by the forces of nature, and any work of human beings must be substantially unnoticeable. <u>Outside Human Impacts</u>: If an outside impact of major significance exists, it should be noted in the overall inventory area description and evaluated for its direct effects on the area. <u>Opportunities for Solitude</u> or a Primitive and <u>Unconfined Type of Recreation</u>.</p>  |
| <p><b>California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development.</b> 2007.</p> <p>Commission Final Report</p> <p>CEC- Renewables Committee and Energy Facilities Siting Division, and CDFG-Resources Management and Policy Division. CEC-700-2007-008-CMF.</p> | <p>The Guidelines provide information and protocols for assessing, evaluating, and determining the level of project effects on bird and bat species, and recommend impact avoidance, minimization, and mitigation measures. The document is organized around five basic project development steps.</p> <p><b>Step 1:</b> Gather Preliminary Information and Conduct Site Screening to assess biological resource issues and potential impacts associated with wind development at a proposed site and to develop a “pre-permitting” study plan tailored specifically to each site. Consult with USFWS, CDFG, CEQA lead agency, and other appropriate stakeholders. Consider the following questions:</p> <ol style="list-style-type: none"> <li>1. Are any of the following species known or likely to occur on or near the proposed project site (“near” refers to a distance that is within the area used by an animal in the course of its normal movements and activities.): (a) Species listed as federal or state “Threatened” or “Endangered” (or candidates for such listing)? (b) Special-status birds or bats? (c) Fully protected birds?</li> <li>2. Is the site near a raptor nest, or are large numbers of raptors known or likely to occur near the site during portions of the year?</li> <li>3. Is the site near important staging or wintering areas for waterfowl, shorebirds, or raptors? Colonially breeding species? Near site likely to be used by birds whose behaviors include flight displays (e.g., common nighthawks, horned larks) or by species whose foraging tactics put them at risk of collision (e.g., contour hunting by golden eagles)?</li> <li>4. Does the site or adjacent areas include habitat features (e.g., riparian habitat, water bodies) that might attract birds or bats for foraging, roosting, breeding, or cover?</li> <li>5. Is the site near a known or potential bat roost?</li> <li>6. Does the site contain topographical features that could concentrate bird or bat movements (e.g., ridges, peninsulas, or other landforms that might funnel bird or bat movement)? Is the site near a known or likely migrant stopover site?</li> <li>7. Is the site regularly characterized by seasonal weather conditions such as dense fog or low cloud cover that might increase collision risks to birds and bats, and do these events occur at times when birds might be concentrated?</li> </ol> <p>With information from the preliminary site assessment, proposed project sites can be grouped into one of four categories to provide a general framework for determining duration and intensity of study needed for pre-permitting and operations monitoring:</p> <ul style="list-style-type: none"> <li>Category 1 – Project Sites with Available Wind-Wildlife Data</li> <li>Category 2 – Project Sites with Little Existing Information and No Indicators of High Wildlife Impacts</li> <li>Category 3 – Project Sites with High or Uncertain Potential for Wildlife Impacts</li> <li>Category 4 – Project Sites Inappropriate for Wind Development</li> </ul> |





| <b>Policies and Guidelines that Pertain to Wind Energy Development on Public Lands</b><br>– Excerpted by Conservation Biology Institute March 2011   |   |
|--|---|
| <b>Guidelines</b>  | <b><i>Purpose and highlights of recommendations that relate to landscape/regional assessments</i></b>   |
| <b>Executive Order 13186 –</b><br><br><b>Responsibilities of Federal Agencies To Protect Migratory Birds</b><br><br><b>January 10, 2001</b>  | This Executive Order directs Executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act. Each agency shall: (1) integrate bird conservation principles, measures, and practices into agency activities and avoid or minimize, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions; (2) restore and enhance the habitat of migratory birds; (3) prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds (4) design migratory bird habitat and population conservation principles, measures, and practices into agency plans and planning processes, and coordinate with other agencies and nonfederal partners in planning efforts; (5) ensure that agency plans and actions promote programs and recommendations of comprehensive migratory bird planning efforts such as Partners-in-Flight, U.S. National Shorebird Plan, North American Waterfowl Management Plan, North American Colonial Waterbird Plan, and other planning efforts, as well as guidance from other sources. |
| <b>Avian Protection Plan (APP)</b><br><b>Joint document of USFWS and</b><br><b>The Edison Electric Institute's Avian</b><br><b>Power Line Interaction Committee</b><br><b>(APLIC) - April 2005</b> | Guidelines for reducing electrocution of birds on transmission lines (design and placement). The proximity of a line to high bird-use areas, vegetation that may attract birds, and topographical features that affect local and migratory movements should be considered when determining the extent of necessary remedial action or when siting a new line. Avoiding construction of new lines in areas of high bird use may be the best way to prevent or minimize collision issues.   |





# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



November 1, 2011

*VIA U.S. AND ELECTRONIC MAIL*

South Coast RMP  
Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262  
<Greg\_Hill@blm.gov>

**RE: South Coast Draft Resource Management Plan and Environmental Impact Statement**

Gentlepersons:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the revised South Coast RMP. For your reference, EHL is Southern California's only regional conservation group. Since 1991, we have been active participants in State of California Natural Communities Conservation Planning, or NCCP, and value the partnership of the Bureau in these endeavors.

EHL supports Alternative B, the Conservation Alternative. Alternative B provides ample public access and consumptive uses while doing the best job of protecting our stressed biological systems. For example, compared to the Preferred Alternative, the Conservation Alternative reduces motorized access and gives more land the protection of designation as an Area of Critical Environmental Concern. It also better supports our very important multiple species plans, specifically the San Diego MSCP and Riverside MSHCP. It is important to note that these multiple species plans themselves balance environmental, economic, and public access needs.

However, we wish to point out significant shortcomings that cut across all the alternatives – including Alternative B. We urge that these problems be addressed and remedied in the final RMP:

1. Fuel treatments, such as thinning, clearing, and prescribed burning, have serious adverse biological consequences, such as conversion to weedy, flammable species. Thus, fuel treatments should occur only where effective – in strategic locations at the urban-wildland interface to create access points and fuel breaks for firefighting activities. (See enclosures.) Also, treatments should only be implemented on an *as needed* basis; the non-scientific, predetermined acreage target in the draft plan should be eliminated.

2. All lands that are part of the Riverside MSHCP and San Diego MSCP should be protected as Areas of Critical Environmental Concern. This level of protection is most consistent with the management guidance in the plans and the species conservation goals.
3. Due to habitat fragmentation, right of ways for renewable energy projects should be sited outside of Areas of Critical Environmental Concern.

*Thank you* for your agency's hard work on RMP Revision and the progress to date. We appreciate your consideration of these comments.

Yours truly,



Dan Silver  
Executive Director

Enclosures (electronic files only)

Efficacy of fuel breaks

RECEIVED  
BUREAU OF LAND MANAGEMENT  
11 NOV -4 AM 7:08  
FBI WASH DC  
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# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

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October 24, 2011

Mr. John Kalish, Field Manager  
Bureau of Land Management,  
Palm Springs-South Coast Field Office,  
1201 Bird Center Drive  
Palm Springs, CA 92262

RECEIVED  
BUREAU OF LAND MANAGEMENT  
11 OCT 26 PM 4:07  
K. J. [illegible]  
[illegible]

## Re: South Coast Resource Management Plan and EIS

Dear Mr. Kalish:

This letter is for the purpose of providing comments on the Bureau of Land Management's Draft Resource Management Plan (RMP) revision and Draft Environmental Impact Statement (EIS) for the South Coast Planning area. More specifically, the comments provided herein are addressing the relationship of the RMP and the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan ("Wash Plan"). As you know, the San Bernardino Valley Water Conservation District (District) is serving as the Lead agency for the preparation of the Wash Plan. Following completion and certification of an Environmental Impact Report for California environmental compliance in November 2008, the District adopted the Wash Plan as its intended management strategy for its holdings with the Wash Plan boundaries. However, to fully implement the Plan, several subsequent actions are necessary. These actions involve federal, state and local agencies, including the Bureau of Land Management (BLM). The following is a brief description of the Wash Plan and current status.

The District is part of a multi-agency Task Force comprised of 14 public agencies (federal, state, and local government) and two mining companies. The Task Force has been actively engaged in preparing the Wash Plan for over 10 years. The BLM has been a Federal agency partner throughout the planning process as well as an active member of the Task Force. The Task Force proposed the Wash Plan to resolve a variety of land use and endangered species protection issues that exist within the plan area. Two significant federal actions will be necessary to implement the Wash Plan. One action involves a land exchange with the BLM, or possible purchase of, federal land within the Plan area. The proposed land exchange and a requisite amendment to the RMP was described in a draft EIS that was released for public review in July 2009. A final EIS awaits review and input by the U.S. Fish and Wildlife Service (USFWS), who will be required to approve a Habitat Conservation Plan (HCP) and issuance of a Section 10(a) (1) (B) pursuant to the federal

Endangered Species Act. The BLM and the District are currently engaged in consultation with the USFWS regarding the HCP and the exchange or purchase of federal land.

The District anticipated that the proposed amendment to the 1994 South Coast Resource Management Plan (SCRMP), limited to the Santa Ana River Wash area and a decision to approve the land exchange would be completed prior to issuance of the current 2011 Draft RMP and EIS.

The 2011 Draft Plan is a comprehensive revision to the entire South Coast Planning area and provides broad programmatic management direction to over 300,000 acres of land managed by the BLM. Because a decision on the Wash Plan land exchange has not occurred, the District is concerned that the 2011 Draft RMP may not adequately address or accommodate the more discrete actions necessary to provide policy and management direction for a future land exchange or purchase as well as the full implementation of the Wash Plan. The land exchange that is contemplated in order to implement the Wash Plan is described in the 2009 Draft EIS, along with the SCRMP amendment that was proposed to authorize the exchange. (See Exhibit 1 attached). The land transaction involves up to 400 acres of federal land from BLM Parcel Number 107-101 (selected lands) exchanged for up to 380 acres of District owned property that adjoins the ACEC parcels. The exchange would be based on an appraised value basis pursuant to the authority of Section 206 of FLPMA and regulations contained in 43 Code of Federal Regulations 2200. A purchase transaction, in lieu of a land exchange, would involve only 315 acres, since additional parcels needed to achieve equal values would not be required.

The District is requesting that the BLM review the draft RMP in light of providing authority through the RMP to allow the actions required by the BLM to facilitate implementation of the Wash Plan. Our review of the document reveals that there is ample references acknowledging the Wash Plan effort and the collaboration between the District and the BLM, for example the identification of the Wash Plan in Section 1.7, Related Plans and Programmatic Records of Decision and references in Appendix C, Results of Scoping regarding the Upper Santa Ana River Wash Plan Amendment, as well as the discussion in Appendix H regarding Existing ACEC Designations in the South Coast RMP. However, the document appears to lack clear, consistent direction in Chapter 2.0, Description of Alternatives with regards to management actions necessary to allow future land management decisions by the BLM to facilitate the Wash Plan. An overarching concern is that another RMP amendment may be required in the future to allow the land exchange or land purchase to implement the Wash Plan. The District does not believe that another amendment and associated NEPA process should be necessary given the level of environmental review and planning process that has occurred to date.

Mr. John Kalish  
Page 3  
October 24, 2011

The District is especially concerned with Section 2.3.17, Lands and Realty. The District strongly believes that the Wash Plan land exchange is consistent with the criteria outlined in the sub-section on "Disposal", page 2-93. A clear process to demonstrate conformance with these criteria should be available without an extensive NEPA or additional planning processes. A new project-level EIS that addresses the Wash Plan HCP and land exchange should provide adequate environmental evaluation to allow the BLM to determine consistency with the standards for appropriate disposal of federal land, albeit for ACEC lands, disposal will be protected through mitigation measures defined in the Wash Plan HCP. The final 2011 RMP should be clear that ACEC lands may be exchanged or purchased if the action contributes to regional resource management goals or it may be more efficient and cost-effective for another agency to manage ACEC lands to achieve comparable BLM goals. In the event of a land exchange involving ACEC designated lands (selected lands), offered lands that are in turn designated ACEC should be viewed as "no net loss" to the extent that the offered lands provide comparable attributes as the selected lands.

The District is also concerned with the Rights-of-Way provisions outlined in the Draft Plan to the extent that management actions allow for "joint land uses" in ACECs that provide for water conservation activities as long as they are done in a manner that maintains the intent and integrity of the ACEC. This concern was expressed by the District's General Counsel at a Scoping meeting held on the proposed revisions to the RMP as described in Appendix C. The District is concerned that there may not be sufficient clarity concerning the management action of "right-of-way avoidance" for the Santa Ana River Wash ACEC as listed in Tables 2-8 and 2-11, Chapter 2.0, Description of Alternatives, 2011 Draft RMP to allow future water conservation activities within the ACEC in the post-land exchange condition. The District request that "protection and enhancement of groundwater resources" be included as a goal for the ACEC to ensure that this resource attribute is recognized along with protection of endangered species and their habitats for the ACEC. Proposed right-of-way management actions for the ACEC should provide for the opportunity for future water conservation facilities pursuant to FLPMA and/or S.8084 Act of Congress, passed on February 20, 1909 as it relates to BLM Parcel Number 107-121, in the northeast corner of Section 12, Township 1 South, Range 3 West, SBBM.

The District and the BLM have enjoyed an excellent working relationship during the development of the Wash Plan. The District seeks to continue a close working relationship with the BLM during the remaining time needed to complete and implement the Wash Plan.

If you have any questions concerning this letter or on the Wash Plan, please feel free to contact me or Randy Scott, Wash Plan Project Manager at (909) 793-2503.



Mr. John Kalish  
Page 4  
October 24, 2011

Thank for the opportunity to provide comments on the Draft RMP.

Sincerely,



Daniel B. Cozad  
General Manager

DBC:elg

**Attachments:**

Exhibit 1 - Copy of pages 2-7, 2-8, and 2-9 from Chapter 2, Proposed Actions and Alternatives, 2009 Draft EIS for the Santa Ana River Wash Land Exchange

cc: Greg Hill, RMP Team Lead, BLM Palm Springs-South Coast Field Office

# **EXHIBIT 1**

**Pages 2-7, 2-8, and 2-9 from Chapter 2, Proposed Actions and Alternatives,  
2009 Draft EIS for the Santa Ana River Wash Land Exchange**

## 2.0 PROPOSED ACTIONS AND ALTERNATIVES

Under the 1994 SCRMP, three BLM parcels currently designated as the Santa Ana River Wash ACEC (Parcel 107-021, Parcel 107-101, and Parcel 107-121)<sup>3</sup> are managed for the protection of two plants federally listed as endangered species: the Santa Ana River woolly-star (*Eriastrum densiflorum* ssp. *sanctorum*) and the slender-horned spineflower (*Dodecahema leptoceras*). As currently managed under the SCRMP: 1) the ACEC is unavailable for mineral material sales, is closed to motorized vehicle use, and is unavailable for livestock grazing; and 2) the ACEC is a right-of-way avoidance area.

The Proposed Action would amend the SCRMP to allow the land exchange between the BLM and the District and would modify the existing Santa Ana River Wash ACEC management prescriptions to implement the Wash Plan. In addition, the Proposed Action would amend the SCRMP to execute BLM-desired management actions that are unrelated to the land exchange. Aspects of the Proposed Action that are unrelated to the land exchange include modifications to management of two parcels located within the Wash Plan Area: BLM will assign specific management prescriptions to Parcel 108-081 and will incorporate a portion of the parcel into the Santa Ana River Wash ACEC; and 40 acres of Parcel 107-101, originally inappropriately labeled as ACEC but used as a recreational gun range under a continuing long term lease, will be removed from the Santa Ana River Wash ACEC (Parcel 108-081 and Parcel 107-101 are shown on Figure 2.5, *BLM Parcels in Wash Plan Area* in Section 2.2.1).

In total, the proposed amendment to the SCRMP would:

1. Make up to 400 acres of BLM ACEC Parcel 107-101, currently designated for retention, available for disposal to the District.
2. Incorporate approximately 320 acres and potentially 60 additional acres, depending on appraisal values and the potential need for use of equalization properties, of Offered Lands acquired through the proposed land exchange into the Palm Springs-South Coast Resource Area and designate these acquired lands as part of the Santa Ana River Wash ACEC. The Offered Lands adjoin BLM ACEC Parcel 107-121.
3. Manage the entire Santa Ana River Wash ACEC according to the following management prescriptions:
  - o The ACEC is unavailable for mineral material sales, is closed to motorized vehicle use, and is unavailable for livestock grazing.
  - o The ACEC is a right-of-way avoidance area, excepting pre-existing rights-of-way that have been duly authorized and/or legally established.
  - o The ACEC is available for existing water conservation facilities (a recharge basin known as "D Dike" and its associated water conveyance facilities) pursuant to the Act of October 21, 1976 on Parcel 107-121, in the W1/2, Section 12. The ACEC is available for future water conservation facilities pursuant to FLPMA and/or S.8048 Act of Congress passed on February 20, 1909, as applicable, on Parcel 107-121, in the NE1/4, Section 12.

<sup>3</sup> BLM designated parcel numbers for the property per the SCRMP.

## 2.0 PROPOSED ACTION AND ALTERNATIVES

4. Add protection of the SBKR to the management goals for the Santa Ana River Wash ACEC.
5. Designate approximately 178 acres of undeveloped open space within the southern portion of Parcel 108-081 that has not been historically impacted by mineral extraction activities as part of the Santa Ana River Wash ACEC. [Note that this parcel is not part of the land exchange, but is addressed in the proposed SCRMP Amendment]
6. Manage the northerly portion of Parcel 108-081, consisting of approximately 102 acres within what is known as the Seven Oaks Dam Borrow Pit, as unavailable for mineral material sales and live-stock grazing. [Note that this parcel is not part of the land exchange, but is addressed in the proposed SCRMP Amendment]
7. Remove approximately 40 acres leased for a shooting range on Parcel 107-101 from the Santa Ana River Wash ACEC.<sup>4</sup> This portion of the parcel is leased under the Recreation and Public Purpose Act to the Inland Fish and Game Club. [Note that this land is not part of the land exchange, but is addressed in the proposed SCRMP Amendment]

Selected and Offered Lands are shown in Figure 2.3, *Assessor Parcel and Existing Ownership Map*. Proposed ownership after the exchange is displayed on Figure 2.4, *Proposed Ownership Map*. The legal descriptions of the BLM lands and the District's lands in the proposed exchange are shown in Table 2.1, *BLM Lands Proposed for Exchange (Selected Lands)* and Table 2.2, *District Lands Proposed for Exchange (Offered Lands)*. The final selection of parcels to be exchanged depends on the appraised values of the parcels.

| Table 2.1 BLM Lands Proposed for Exchange (Selected Lands) |                          |   |  |       |
|--|--------------------------|---|--|-------|
|  | BLM<br>SCRMP<br>Parcel # | APNs  | Legal Description  | Acres |
| Core<br>Exchange<br>Parcels                                | 107-101                  | 0291-111-03,<br>0291-121-01,<br>0291-112-03,<br>0291-122-02                 | S 1/2 NW 1/4 Sec. 10, T1S, R3W<br>SW 1/4 Sec. 10, T1S, R3W<br>S 1/2 NE 1/4 Sec. 10, T1S, R3W<br>NE 1/4 NE 1/4 Sec. 10, T1S R3W   | 315   |
| Equalization<br>Parcels                                    | 107-101                  | 0291-112-03,<br>0291-121-01,<br>0291-122-05,<br>0291-122-04,<br>0291-122-03 | S 1/2 NE 1/4 Sec. 10, T1S, R3W<br>SW 1/4 Sec. 10, T1S, R3W<br>N 1/2 W 20 AC S 1/2 SE 1/4 Sec. 10,<br>T1S, R3W<br>N 1/2 S 1/2 W 20 AC S 1/2 SE 1/4 Sec.<br>10, T1S, R3W<br>S 5 AC W 20 AC S 1/2 SE 1/4 Sec. 10, | 85    |

<sup>4</sup> The BLM has included the removal of the ACEC designation from approximately 40 acres leased for a gun range on Parcel 107-101 as part of the Proposed Action in order to correct an oversight in the 1994 SCRMP designation. No environmental consequences are expected from this aspect of the Proposed Action because the gun range was in existence prior to the 1994 SCRMP; therefore, the removal of ACEC designation from this parcel is not evaluated any further in this EIS.

## 2.0 PROPOSED ACTIONS AND ALTERNATIVES

| Table 2.1 BLM Lands Proposed for Exchange (Selected Lands) |  |      |                   |       |
|--|--|------|-------------------|-------|
| BLM<br>SCRMP<br>Parcel #                                   |  | APNs | Legal Description | Acres |
|  |  |      | T1S, R3W          |       |

Source: San Bernardino County Assessor 2008.

| Table 2.2 District Lands Proposed for Exchange (Offered Lands) |                   |   |   |       |
|--|-------------------|---|---|-------|
| BLM SCRMP<br>Parcel No.  |                   | Assessor's<br>Parcel No.<br>(APNs)          | Legal Description   | Acres |
| Core<br>Exchange<br>Parcels                                    | Not<br>applicable | 0291-151-01,<br>0291-151-02,<br>0291-151-05 | NW 1/4 Sec. 12, T1S, R3W<br>NE 1/4 Sec. 12, T1S, R3W<br>Sec. 12, T1S, R3W | 320   |
| Equalization<br>Parcels  | Not<br>applicable | 0290-271-03                                 | SE 1/4 Sec. 9, T1S, R3W   | 60    |

Source: San Bernardino County Assessor 2008.

The land exchange would be completed pursuant to the authority of Section 206 of FLPMA and regulations contained in 43 Code of Federal Regulations 2200. FLPMA requires that the values of lands to be exchanged be equal or made equal by a cash payment. Additionally, any cash equalization payment cannot exceed 25 percent of the value of the lands being transferred out of federal ownership and should be reduced to the smallest amount possible.





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*California's Statewide River Conservation Organization*

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Conservation Director

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BLM Draft South Coast Resource Management Plan Revision  
Public Information Meetings, Temecula  
Wednesday, November 30, 2011  
Sign-In Sheet

| Name            | Representing/<br>Organization                               | Address   | E-Mail                                   | Phone                        |
|-----------------|---|---|--|------------------------------|
| Andrew Austin   | Indian River Lagoon<br>DCDC Fire Science<br>ES2 Board D.R.C | 26 Canyon 92019<br>779 Water Loop Ave<br>2255 Lucky Six T.T.<br>Duizura, Ca 91917 | andreaustin@net<br>DanaMottola@gmail.com | 619-966-9977<br>760-271-7837 |
| DUSTIN RAY      | ASPEN EG  | 201 N 1ST AVE<br>UPLAND, CA 91786   | dray@aspeneeg.com                        | 6502158023                   |
| BRAD JONES      | GPAA  | 43445 Business<br>Park Drive<br>Temecula  | bjones@goldprospector.org                | (951) 699-4749               |
| CHESTER NOWICKI | TREASURE SEEKERS<br>OF SAN DIEGO CO                         | 425 CE LAIR LN.<br>ESCONDIDO, CA  | chandknow@cox.net                        | 760.747.1165                 |
| JERRY GOLDSTEIN | "   | 2711 Crownpoint Pl.<br>Escondido, CA 92027  | Auprospector101@aol                      | 7603171819                   |
| Edward F. Lisle | Tem Valley Prospectors<br>Temecula                          | Temecula, CA 92592<br>38610 Stratton Rd   | res@2545@chil.telus.com                  | 951-762-1665                 |
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| ARNOLD CHAIRS   | GPAA  | 45160 Hwy 795 Hwy<br>Appleton, CA 92564   | CHAIRS38@gmail.com                       | 951-765-5096                 |
| Steve Evans     | Friends of the River<br>Calif. Wilderness Coalition         | on file   | sevanse<br>friends@theriver.org          | 916-708-3155                 |
| MATT RAYN       | SDSU  |   | mrayn@sciences.<br>sdsu.edu              | 6198461916                   |
| MIKE PUGH       | Fallbrook Land<br>Conservancy                               |   | MIKE@PUGH<br>Ponderosa.com               |                              |
| Kelcey Stricker | ES&S EMT RCO  |   | kstricker@esassoc.com                    | 619-952-7706                 |
| JESSE TREYNO    | S&F   | 33465 HARVEST WAY EAST<br>WILSBOROUGH CA 92395                                    | JESSE.TREYNO@AICABOT.COM                 | 951-232-7236                 |

[illegible]

[illegible]



BLM Draft South Coast Resource Management Plan Revision  
Public Information Meetings, Rancho Jamul  
Tuesday, November 29, 2011  
Sign-In Sheet

| Name            | Representing/<br>Organization   | Address                                  | E-Mail                        | Phone               |
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| Jim SALVATORE   |                                 |  | JAMESPSALVATORE@AOL.COM       | 760-533-4231 - CELL |
| Jim Conrad      | KWAC                            | 3723 Brand Crest<br>Encinitas, CA 92024  | jconrad@simssoftware.com      | 858-481-9292        |
| SHIRLEY LESSON  | ALAA - ROCKBUND                 | 6555 HAAS ST                             | SHIRLEYLESSON@COX.NET         |                     |
| PEG Howard      | ALAA ROCKBUND                   | 6555 HAAS ST                             | JEANHOWARD@CENTURYTEL.NET     |                     |
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| DANA MOTTOLA    | " " Dulzura                     | Dulzura CA<br>2255 LUCKY SIX T. 91917    | Bil.Mottola@gmail.com         | 760-871-7837        |
| Doug Kaul       | Dulzura                         | 1238 MARLOW VALLEY                       | DR oldchicken@msn.com         | 619-804-1014        |
| SALLY NESBITT   | SAN DIEGO<br>SPORT DOG TRACKERS |  | SNESBITT@<br>SNESBITT.CTS.COM | 619-980-6372        |
| Bob Smith       | SDCWF                           | 1975 Santa Barbara St<br>San Diego 92107 | rrsmith@cox.net               | 619-226-1164        |
| JOE NUNEZ       | SD QU                           | 1989 Mendocino<br>San Diego BRUD         | joefernandez@yahoo            | 619-222-2911        |
| BRIAN FALLGREN  | MERIT                           | 32092 Hwy 94<br>Carmel, CA 91906         | brianf@nothere.ca             | (619) 478-2149      |
| Chelsea Mottola | Mottola Ranch                   | 2255 LUCKY SIX T.<br>Dulzura CA 91917    | chelsea.mottola@gmail.com     | (760) 271-8136      |



[illegible]



## South Coast Resource Management Plan Revision

### COMMENT FORM

Date: 11-29-11

Name: Dana Mottola

Are you submitting comments as an official representative of an agency or organization? If so, please include your title and the name of organization or agency you represent:

Dulzura Community Development Committee, CSZ Board  
President - Dulzura Resource Center, Sit board Dulzura Fire Safe Council

Mailing Address: 2255 Lucky Six tx. Dulzura CA 91917

Phone Number/E-Mail Address (optional): (760) 271-7837 dana.mottola@gmail.com

*(Please be as specific as possible with your comments)*

Agriculture Comes first. Plan A is the only plan  
that keeps Agriculture as a priority! The proposed  
Plan limits it to 2 available and 6 closed?  
this is unacceptable.

Grazing is both positive for the land both  
for Sensitive Species non-native species  
as well as wild fire I am for plan A.

Please submit your comments to:

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92258  
[www.blm.gov/ca/st/en/fo/palmsprings.html](http://www.blm.gov/ca/st/en/fo/palmsprings.html)

Submit comments by: December 21, 2011



**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

December 21, 2011

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Germaine Arenas

Vice Chairperson:  
Mary Bear Magee

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Darlene Miranda  
Bridgett Barcello Maxwell  
Aurelia Marruffo  
Richard B. Searce, III

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

**VIA E-MAIL and USPS**

Greg Hill, RMP Team Lead  
Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262

**Re: Pechanga Tribe Cultural Department Comments on the Draft South Coast Resource Management Plan Revision and Draft Environmental Impact Statement**

Dear Mr. Hill:

The Cultural Department of Pechanga Band of Luiseño Indians (hereinafter, "the Tribe") submits these comments concerning the Draft Resource Management Plan's (DRMP's) potential impacts to cultural, tribal and natural resources in conjunction with the environmental review and management planning processes in order to assist the Bureau of Land Management (BLM) in the proper management of these public lands and resources.

Initially, the Tribe would like to point out that it is aware of numerous cultural resource sites located on BLM lands that would fall within the management planning area and thus will be affected and impacted by the management planning process. The Tribe's interest lies not only with those resources found on reservation and federal lands, but on the entirety of the Management Area that is incorporated within the Luiseño tribal territory. As discussed more fully below, the Luiseño tribal territory covers much of western Riverside County and northern San Diego County.

In preparing both the environmental evaluations and ultimately the management plan for the various areas within the South Coast Management Area, the Tribe would like to remind the BLM that it should not rely solely on archaeological surveys and surface remains to designate significant cultural areas, but must also incorporate tribal traditional knowledge, including, but not limited to, oral traditions and landscape studies which are often more accurate in identifying both surface and subsurface cultural resources than surface surveys alone.

Further, the Tribe is clearly the best arbiter when determining the significance of tribal cultural resources and archaeological resources. The Tribe would expect the BLM to grant the Tribe's knowledge and opinions regarding its resources the appropriate level of respect when both determining the significance of a resource and the appropriate management for the areas encompassing such resources. The Pechanga Cultural Department has over thirty-five years of experience in working with various types of development projects and resource plans throughout

its ancestral territory and is very familiar with the different ecological zones where vestiges of its ancestors' habitations are expressed on the landscape. The combination of this knowledge and experience, along with the knowledge of the culturally sensitive areas and oral tradition, is what gives the Tribe its expertise regarding its resources.

### **PECHANGA CULTURAL AFFILIATION TO RESOURCE MANAGEMENT AREA AND TO THE LUISEÑO ANCESTRAL ORIGIN AREA**

The Pechanga Tribe asserts that portions of the RMP area are part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art), and an extensive Luiseño artifact record previously recorded on these BLM lands. These culturally sensitive areas that are affiliated with the Pechanga Band of Luiseño Indians fall within western Riverside County, northern San Diego County, including Marine Corps Base Camp Pendleton, and a small portion of eastern Orange County.

The Pechanga Tribe's knowledge of its ancestral boundaries is based on reliable information passed down to the Tribe from its elders; published academic works in the areas of anthropology, history and ethno-history; and recorded ethnographic and linguistic accounts. While historic accounts and anthropological and linguistic theories are important in determining traditional Luiseño territory, the most critical sources of information used to define the Pechanga Tribe's traditional territories are its songs, creation accounts, and oral traditions.

The Pechanga Tribe's songs and oral accounts have transferred history and knowledge through the generations for thousands of years. The origin of the Luiseño people is the single most important account in the Pechanga tribal culture. The Tribe's present-day practices, beliefs and social structure are directly related to its creation. Luiseño history begins with the creation of all things at *'éxva Teméeku* and the surrounding environs. The name *'éxva* (EXH-vah) can be translated as a "place of sand" and *Teméeku* (Teh-MEH-koo) means "sun place." The Tribe's knowledge of the sacredness and cultural importance of *'éxva Teméeku* has been documented over the years by anthropologists who interviewed traditional healers and singers from the different Luiseño Bands. Written documentation, beginning with Boscana's account in the early 1800s, stress the importance of this sacred area to the People and confirm the location of this Luiseño place which existed thousands of years before European contact. In fact, the place known today as Temecula derives its etymology from this physical location where the Murrieta and Temecula Creeks converge to form the Santa Margarita River, which flows onto the Pacific Ocean.

Many of the Tribe's traditional songs specifically mention the *'éxva Teméeku* area. Traditional mourning ceremonies and songs are derived from the events that occurred at this place which are directly related to the social customs and practices of the Luiseño people. This is where the Luiseño Origin Story and ancestral songs say *Túukumit* (TOO-koo-mit, Father Night Sky) and *Tamáyawut* (Ta-MAI-yah-whoot, Mother Day Earth) created the world. The Sun, *Temét* (teh-MET), was a gift brought by *Túukumit* to *Tamáyawut*. When *Túukumit* and



*Tamáyawut* became one, their first offspring were earth and sand, which in Luiseño are '*éxla* (EXH-la) and '*éxval* (EXH-val). '*éxva Teméeku* is therefore in reference to the first offspring of *Túukumit* and *Tamáyawut* (Elliott n.d., 1069). Their children were known as the first people or *Káamala* (KAH-mah-lam) and were all creatures, including trees, rocks, fog, mammals and birds; they lived, played and died in the hills and areas surrounding '*éxva Teméeku*.

The hills and areas above '*éxva Teméeku* trending northwest and southeast are called *Káamalam Pomki* which literally translates to "Káamalam, their house" or "house of the Kaamalam." For the Luiseño, the *Káamalam* are comparable to the Greek gods—they lived above '*éxva Teméku*. Although the *Káamalam* came in all forms, their purpose was not determined until the death of their leader *Wuyóot*. After he died and was cremated, the *Káamalam* held Grand Council at *Káamalam Pomki*. During this Council there was a discussion about the roles and fates of each of the *Káamalam*, including which animals would become food for the world, since *Wuyóot* could no longer provide the white clay that they used for sustenance. *Súukut*, the deer, was the first *Káamalam* to sacrifice his life for the people. One of DuBois' consultants stated at the end of the story, when death was introduced to the world the first people "had a big meeting at Temecula, where they were still together, for when they found out that death had come into the world, they did not know what to do, and they discussed the matter" (DuBois 1906:58).

Among the Luiseño it is commonly known that the hills referred to as *Wexéwxi Pu'eska* and the areas surrounding it are living culturalscapes containing the ancestors. This culturalscape contains the places where it is said the people cried after the death of *Wuyóot*, in addition to rock images of animals, which according to oral tradition, are the Kaamalam (the first people).

The river and canyon on the northern portion of the Santa Margarita Ecological Reserve ("SMER") are now known as Temecula Canyon, Temecula Gorge or the Santa Margarita River Watershed, but to the Luiseño it is called *Táatamay* where the *Káamalam* lived when they were first born. This river flows to the Pacific Ocean and has always been a natural corridor with the coast. DuBois' states:

"They [*Káamalam*] were growing large now and began to recognize each other. They the Earth-Mother made the sea so that her children could bathe in it, and so that the breeze from the sea might fill their lungs, for until this time they had not breathed" (DuBois 1906:53).

To this day the sea breeze passes through *Táatamay* and the "Rainbow Gap" located to the south of the SMER, into the Temecula Valley.

As further demonstration that the Luiseño, and the Pechanga Tribe in particular, have a cultural connection to this area, one can look to a type of the Luiseño song called *Moníivol* songs. These songs pass along traditions and stories from generation to generation and speak to



how the people spread out to the north, south, east and west from the area of creation and other journeys. For example, such songs recount the travels of the people to Elsinore after a great flood (DuBois 1908). The songs contain placenames that were destinations of the Luiseño ancestors, some of which are located on BLM lands, and describe journeys of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110).

Pechanga elders state that the Temecula/Pechanga People had usage/gathering rights to an area extending from Rawson Canyon on the east, over to Lake Mathews on the northwest, down Temescal Canyon to Temecula, eastward to Aguanga, and then along the crest of the Cahuilla range back to Rawson Canyon. The Native American Heritage Commission (NAHC) Most Likely Descendent (MLD) files substantiate this habitation and migration record from oral tradition. These examples illustrate a direct correlation between the oral tradition and the physical place; thus, proving the importance of songs and stories as a valid source of information outside of the published archaeological and anthropological data.

*Tóota yixélval* (rock art) is also an important element in the determination of Luiseño territorial boundaries. It can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs demonstrate that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, called cupules which have also been identified by archaeologists as rock art or petroglyphs. Many of these cupule boulders are in close proximity to BLM lands. Additionally, according to DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

Thus, the vast amount of evidence the Tribe has developed through its traditional songs and stories, its indigenous place names, as well as academic works, demonstrates that the Luiseño people who occupied the areas described as the Tribe's culturally affiliated territory, are ancestors of the present-day Luiseño/Pechanga People.

The Tribe welcomes the opportunity to meet with the Bureau of Land Management to further explain and provide documentation concerning its specific cultural affiliation to lands within your jurisdiction, as well as to provide additional information regarding significant and sensitive cultural resource sites within the South Coast Resource Management Plan area.

**THE SANTA MARGARITA ECOLOGICAL RESERVE**  
**AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)**

As explained above, the Santa Margarita Ecological Reserve (SMER) Area of Critical Environmental Concern (ACEC) is a sacred area to the Pechanga Tribe and all Luiseño tribes. It is the critical element of import to the Pechanga in this DRMP. Unfortunately, the current and draft revised plans fail to acknowledge the significant tribal cultural values located within this ACEC.

The SMER contains a portion of four major culturally significant place names within the larger Luiseño Ancestral Origin Landscape. These areas are interconnected and relate to one another forming a cohesive whole: generally speaking, *Éxva Teméku* encompasses the southern portion of the City of Temecula, extending to the east in the vicinity of what is now known as Highway 79 south. The hills south and west of Temecula are known as *Káamalam Pomki* (KAH-mah-lam Pom-KEY). The Santa Margarita River which flows through Temecula Canyon to the north of the SMER is called *Táatamay* (TAH-ta-mai). *Takw\$i* (TAK-wh-she ) is located near the town of Rainbow just to the east of the SMER and contains, among other things, a large boulder named *Naxáchish*. The Tribe possesses maps detailing the Luiseño Ancestral Origin Landscape which it will make available on a confidential basis during face-to-face consultation with BLM.

The places discussed immediately above, are tied directly to and comprise the Luiseño Ancestral Origin Landscape (Origin Landscape). The entirety of these four areas comprise what the Tribe considers to be the larger Traditional Cultural Property (TCP) known as the Origin Landscape. The elements and nature of the Origin Landscape are based on oral tradition and published ethnographic literature, as discussed above. The SMER ACEC is located within this larger TCP. The Tribe urges BLM to acknowledge, incorporate and protect the area in the revised plan because it is crucial to the continued cultural tradition of not only the Pechanga People, but to all Luiseño Tribes. Given the extreme tribal, traditional and cultural sensitivity of the area, the **Pechanga Tribe opposes any adverse impacts and effects within the Luiseño Ancestral Origin Landscape**, which includes the SMER ACEC.

Based on the foregoing, the Tribe therefore respectfully requests that the BLM include in the RMP the significance of the SMER ACEC and its surrounding area to the Pechanga Tribe and to all Luiseño People; accord it a designation of protection and preservation as a sacred place according to Executive Order 13007 and other applicable laws; revise the SMER ACEC to include the cultural aspects of this place; and include the Tribe as an equal partner in determining the appropriate protection and management strategies for the ACEC, including the potential acquisition of additional lands. Further, the Tribe notes that, despite being designated as an ACEC in the 1994 RMP, the SMER ACEC still does not have a management plan. The Tribe urges the BLM to fund and prepare the plan, in consultation with the Tribe, as soon as possible.

#### **OTHER CONCERNS WITH THE DRAFT REVISED RESOURCE MANAGEMENT PLAN AND THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Tribe requests to continue consultation on this proposed Resource Management Plan revision and all other future proposed actions taken on BLM lands within the Pechanga Tribe's traditional ancestral territory which could impact cultural and tribal resources. Again, the Tribe takes the position that the BLM should not solely rely on narrow interpretations of cultural/archaeological resources, but must also take into account the cultural knowledge, native science and perspective of tribes. This specialized knowledge is proprietary and not always readily available to cultural resource management or other professionals, whose primary focus is generally the scientific aspect of a site, artifact or TCP. Failing to take tribal values into account improperly reduces the importance of these resources to that of merely scientific interest and ignores the true meaning of these resources. When this knowledge is discounted or omitted, then the resources are not fully considered and therefore adverse effects and impacts to them often are unmitigated.

The Pechanga Tribe has listed its concerns below in terms of tribal topical concerns within the draft environmental document and draft plan and preliminary issues we are looking to see addressed. When appropriate, the Tribe has offered specific language it would like to see incorporated into the document (strikeouts are removals and underlines are additions as suggested). The Tribe looks forward to meeting in person to discuss its concerns once you have reviewed its comments but prior to the finalization of the Plan. At that time, the Tribe may revise its suggestions below based on that consultation.

#### **BLM RMP Vision Statement**

The Tribe requests that BLM provide for the treatment and uses, if applicable, of cultural and natural resources in a manner which includes the preservation, avoidance and protection of sensitive tribal cultural and natural resources. In general, the Tribe is also concerned about cultural resources being generally accessible to the public. The Tribe has witnessed how vandalism and destruction, intended or not, seems to happen when resources are publicly accessible without a thorough management plan in place and a commitment to implement that plan.



The Tribe urges the BLM to commit to respecting tribal values, the protection and preservation of sensitive and sacred cultural sites, in accordance with traditional uses and culturally appropriate methods.

### Alternatives

Although the DRMP offers a preferred alternative, the Pechanga Tribe is of the position that no one alternative seems to meet all the concerns of the Tribe. Although there are portions of certain alternatives that meet Tribal objectives, we offer our comments with the request that the BLM incorporate each of our concerns in the Alternative that is ultimately adopted by the BLM. It is the Tribe's goal that the adopted Alternative maximize preservation and protection of tribal cultural and environmental resources.

### Areas of Critical Environmental Concern (ACECs) Generally

The Tribe has serious concerns about cultural resources located within some of the ACEC designations. These include: Potrero, the Santa Margarita Ecological Reserve and the proposed Western Riverside County, Gavilan and Oak Mountain ACECs. Significant cultural resources can be located within each of these ACECs and the Tribe requests to be consulted to develop culturally appropriate treatment and management plans for each of these ACECs. The Tribe understands that an ACEC designation is potentially beneficial to cultural resources in these areas as they provide a measure of protection, however the potential for disturbances and destruction exists if not properly managed. Therefore, early consultation with the Tribe is important to promote protection and avoidance of these important resources.

The Tribe notes that under Options A, C & D - ACECs would be considered *avoidance* areas for rights-of-way, while Option B lists them as *exclusion* areas. It is unclear to the Tribe, at this time, the exact nature of the difference between an avoidance area and exclusion area, and we would ask the BLM to provide clarification in the environmental document and plan.

Nevertheless, it is the Tribe's position that all ACECs involving tribal cultural resources should be afforded the highest level of protection from rights-of-way and other surface disturbing land uses and authorizations. This would include denial of any uses or permits for locatable and salable mineral mining, fluid leasing and renewable energy, if they adversely effect or impact cultural resources. Major surface disturbing activities should be prohibited. ACECs should be closed for disposal of saleable minerals and right-of-ways. The Tribe is not generally opposed to permits, such as renewable energy development; however, any such development must be responsible and must take into account tribal values and legal rights. Further, it is the Tribe's position that the location of such development projects should not impact sacred sites. The Tribe therefore supports management actions which would close ACECs to disposal of any mineral materials and which would limit the BLM from granting access to non-federal lands used for such purposes through any ACECs. Further, the Tribe would oppose the sale or

exchange of federal lands within ACECs to any adjacent private landowners for mineral disposal or mining purposes.

Specifically, the Tribe requests that BLM protect tribal cultural values and the natural qualities of the SMER by avoiding future rights-of-way, exploring the feasibility of relocation or removal of existing rights-of way facilities, and acquiring adjacent lands all for purposes of protection of the cultural resources.

For the Gavilan ACEC, the Tribe recommends that all public lands be retained and that mineral materials disposals be prohibited.

For the Potrero ACEC, the Tribe is aware that there are significant cultural resources located within this ACEC, including significant *tóota yixélval* (rock art). In order to prevent unnecessary destruction of significant and important cultural resources, the Tribe would like to assist the BLM in identifying these areas for future management and avoidance purposes.

Pechanga requests that BLM consult with culturally-affiliated tribe(s) and enter into ACEC-specific protocols for all areas of concern.

### **SMER ACEC**

As noted previously, the SMER ACEC contains a Luiseño Traditional Cultural Property, one that is of the highest significance to the Tribe and the Luiseño People. Therefore, the Tribe recommends that the SMER be designated as an “area with significant resources for protection as ACECs or Cultural Resource Management Areas (CRMAs)” and be addressed in the RMP as an area to be preserved and protected from adverse impacts and effects in any Alternative that is chosen as the adopted Alternative.

As detailed elsewhere in this letter, the Tribe opposes any adverse impacts and effects to the SMER ACEC and the larger Luiseño Ancestral Origin Landscape. The Tribe therefore urges the BLM to include tribal cultural resources in the SMER ACEC designation and to prioritize development of a management plan through consultation with the Pechanga Tribe in order to preserve, protect and where feasible expand this most significant and sacred area.

The Tribe further requests that the BLM consider acquiring properties adjacent to public lands within the SMER ACEC where feasible for preservation purposes, in consultation with the Tribe. All future rights of way should be excluded on the SMER ACEC. The Tribe recommends the removal of the potential for wind energy development within the SMER ACEC as this activity will negatively impact the Luiseño Ancestral Origin Landscape. The Tribe opposes any mineral materials disposals in the SMER ACEC and request that it be closed to such disposals.



The Tribe wants to specifically point out that the Traditional Native American Values section lacks a discussion on the Luiseño Ancestral Origin Landscape, a Luiseño Traditional Cultural Property that is located on and includes the Santa Margarita Ecological Reserve (SMER). Again, this omission emphasizes the importance for the BLM to adequately consult with Tribes to gain information that may not be accessible through the SHPO, the Information Centers or even the NAHC.

### **Rangeland Health**

Although the Tribe understands the need for and importance of allowing herds to graze on specified rangelands, the Tribe is concerned with impacts to tribal cultural resources from such activities. Therefore, the Tribe requests that BLM commit to protecting sensitive sites from impacts caused by animal herds and to make avoidance the preferred standard here. The Tribe is also committed to assist BLM with surveying lands at issue to identify culturally sensitive areas and develop acceptable preservation standards. As such, the Tribe requests BLM to update the appropriate sections in the DRMP and DEIS to reflect these requests.

For example the Tribe is aware that there are significant cultural resources located within these ACECs, including significant *tóota yixélval* (rock art) and portions of a village complex located within the Steele Peak, Beauty Mountain and Rogers Canyon Allotments and would welcome the ability to identify sensitive areas and assist in management plans for preservation.

### **Vegetation**

The Tribe requests that gathering and use of traditionally and culturally important plants, be granted to Native Americans as necessary to carry out cultural practices, regardless of whether the vegetation is a priority plant species. Tribes should be given free use and gathering rights of culturally important plants within the South Coast RMP area without general permitting requirements. The BLM should not place scientific values above cultural values when determining appropriate uses of the vegetation within the Management Area.

It is important to note that, as far as the Tribe understands, the geographic areas subject to this BLM DRMP have not been surveyed for vegetation with tribal values. As such, there may be specific plant species, populations and cultural vegetation resources the Tribe will have concerns with. We request that BLM commit to such a survey with the culturally-affiliated tribe to ensure that BLM gathers complete information on the nature of vegetation in BLM managed areas.

### **Wildland Fire and Fuels Management**

Because of the urgencies that occur when a wildfire breaks out, we understand that there may not be time to always identify cultural resources on the ground when battling a fire. However, it should be noted that the Tribe has experience working with CAL FIRE and other

agencies to protect cultural resources during fire incidents and has the capability to rush sensitive information to on-the-ground personnel, and has effectively engaged in that manner during wildfires on Tribal lands. As a preventative measure, however, the Tribe requests that BLM work with it to identify culturally sensitive areas upfront – before an emergency occurs - for usage in wildfire and fuels management situations. The Tribe therefore suggests that BLM partner with the Tribe and allow it to provide both advanced and real-time cultural information during fire suppression activities, both during fires and fuels management programs for purposes of preservation of cultural resources, as well as site-cleanup and revitalization efforts.

### **Cultural Resources**

The Tribe feels it is important to point out to BLM that, while providing definitions for clarity can be helpful, such definitions might not comport with the views of all parties. In point of fact, for the Tribe, the term “cultural resources” encompasses the concept of tribal heritage properties as well. As such, when the Tribe discusses cultural and tribal resources in this letter, the BLM should understand that sacred places, place name locations and Traditional Cultural Properties (TCPs) are also subsumed within that comment.

Because of the significant value of tribal cultural resources, archaeological resources and historic properties to both tribes and the public as a whole, the Tribe encourages the BLM to work with tribe(s) to make every effort to preserve, protect and preserve the full range of historic and cultural properties within the Management Area and BLM lands, with avoidance being the preference for all cultural resources. The Tribe requests the BLM commit to identifying culturally sensitive areas in consultation with the culturally-affiliated tribes. Tribes must also be involved in significance determinations as such decisions often dictate the ultimate treatment of resources. If BLM is engaging in any actions to stop, limit or repair damage to sites this should be undertaken in consultation with the culturally-affiliated tribes.

The Tribe does not believe that the designation of the majority of the archaeological/cultural sites located within the Management Area as “small subsistence activity areas” is accurate or appropriate. The problem of dividing sites and regional complexes (including villages and habitation areas) into small sites has been addressed by Glassow (1985)<sup>1</sup>. Dividing areas into smaller sites for analysis inhibits the ability to provide a complete interpretation of the sites, resulting in a “write-off” or dismissal of sites based only on partial analysis and information. In fact, Glassow argues that a complete definition and assessment of a habitation area or cultural resource area cannot be attained without a thorough analysis of the small sites that comprise the system. Archaeologists frequently make the mistake of treating each site as an individual “temporary camp site or isolated feature” as opposed to looking at them as elements or components of larger village or other cultural complexes and thus miss the true picture of the cultural system.

<sup>1</sup> Glassow, Michael A. The Significance of Small Sites to California Archaeology. *Journal of California and Great Basin Anthropology* Vol. 7, No.1. PP 58-66 (1985).

The Tribe has traditional knowledge of the Management Area parcels within Luiseño territory, and while there certainly are smaller tribal habitation and activity areas within the BLM Management Area, these smaller areas are often part of larger cultural complexes that are interrelated. Likely, what may appear as small activity areas within the BLM parcels, extend outside the BLM boundaries to incorporate varied and multifaceted complexes thus making the sites habitation or cultural complexes rather than “small subsistence activity areas.” Please revise these designations in the Plan accordingly. This misinterpretation exemplifies the importance of consulting with tribes early so that the BLM can more appropriately understand and manage the resources located on their lands.

Further, it is the Tribe’s position that destruction of cultural resources at any level should be considered a cumulative impact and should be appropriately addressed in the environmental document and management plan. Habitation sites, which include specific activity areas like lithic scatters, bedrock milling locations and plant gathering areas, are of utmost importance to the Tribe because they are the last physical remains of where its ancestors lived. They contain not only information and data that are reflective of every aspect of tribal culture, but the essence of the ancestors and cultural resources of an intangible nature. These places are where the Tribe’s ancestors lived their daily lives-raising families, carrying out customs and performing ceremonies, including funerary practices. In order to preserve these complexes, it is important to not disturb portions of the complex, lest such disturbances are actually destroying the complex itself. The Tribe requests the BLM as well as its archaeological consultants not just look at the number of sites or ‘contributing factors’ but also to evaluate them under all National Register Criteria - A, B, C and D and Bulletin 38 in consultation with the culturally-affiliated tribe(s) – to understand how these features relate to each other and to the larger environment or landscape.

With regard to Table 2-6 on Page 47, the Tribe requests the BLM consult with the culturally-affiliated tribe(s) in order to determine appropriate use categories. As acknowledged in the DRMP, “specific allocations of individual sites may be reevaluated and revised based on changing circumstances or if any new or existing information regarding site attributes comes to light.....” (Page 2-46). Through consultation with tribal governments, the BLM can factor in the tribes’ specialized knowledge regarding such resources. Such knowledge better informs effective management and appropriate categorization and allocation of the resources.

For example, the Tribe takes issue with Table 2-6 (Page 2-47). The Tribe disagrees with any of these “Cultural Site Attributes” being categorized or “allocated” (as they have been in this Table) in a vacuum without an understanding of how these attributes are regionally or geographically situated. As explained, the Tribe takes a cumulative landscape approach to evaluating the significance and appropriate treatment of cultural resources. To categorize and allocate them in such a manner as done in the referenced Table, necessarily pre-defines significance and purpose without considering all the information needed to take such actions. For example, the Pechanga Tribe does not agree with “Rock Art” being categorized as anything but traditional use. In fact the category of “Rock Art” includes a plethora of archaeological



features and most, if not all, are considered by the Tribe to be of utmost cultural importance as well as sacred. In addition, as the BLM should know, depending upon the resource, certain scientific, experimental or public uses would be completely offensive to tribes and should therefore be generally prohibited unless specific written permission is given otherwise.

The Tribe can further explain its additional concerns with this Table during an in-person consultation meeting. To facilitate this discussion and the Tribe's further comments it would be helpful to understand how the BLM is defining each of these "Use Allocations" as tribes and non-tribal entities can have very different ideas of these terms.

If BLM chooses to put together an "inventory" or "database" of cultural resources the Tribe asks that confidentiality and sensitivity of the information be taken into account and that the Tribe be a partner in compiling and managing such an inventory within its traditional territory. Such an inventory could be utilized to reduce imminent threats to the resources and identify conflicting or incompatible land uses for the purposes of cultural resource preservation. If BLM develops cultural sensitivity guidelines, the Tribe requests that it be consulted with and that tribal values and practices be incorporated.

If BLM develops Cultural Resource Management Plans for existing R&PP Act parcels or any BLM managed lands, the culturally-affiliated tribe should be a partner in the creation of such Plans.

### **OHV and Recreational Uses**

The factors threatening archaeological sites within the planning area include unregulated OHV use, recreational uses, development, and incompatible adjacent land uses. The proliferation of vehicle routes on BLM-managed lands increases the potential for vehicles to drive through sites. Vehicle traffic can cause compression, breakage and displacement of artifacts, damage to features, and exposure of subsurface components. Access to otherwise remote areas increases the potential for illegal collection of artifacts or incidental impacts to cultural resources from camping and other recreational activities. Vehicle routes also disturb or destroy culturally significant vegetation and may lead to erosion which in turn may adversely affect cultural resources. As such, the Tribe requests that any such uses or activities be continually evaluated carefully in consultation with the Tribe to ensure that cultural resources are protected from such activities.

### **Mineral Resources & Salable Minerals (Mineral Materials)**

Significant cultural resources, habitation areas and cultural complexes are generally located within low hills and bedrock outcroppings within Luiseño territory. These areas are often prime candidates for salable minerals/construction materials. In order to prevent destruction of significant and important cultural resources, the Tribe requests to assist the BLM in proactively identifying these areas for future management and avoidance purposes.

Specifically, the Tribe requests that the SMER ACEC be closed to mineral entry and mineral disposal.

### **Interpretive & Education Uses**

Prior to consideration of providing any interpretive or other educational opportunities at selected cultural sites, the BLM must consult with the culturally-affiliated tribe(s) to determine, at a minimum, whether such activities are appropriate, and if so, partner with the tribe to create a culturally-appropriate plan for such uses.

### **Land Tenure**

The BLM should maintain continuity with its land tenure practices as described in Alternative A and only allow sale or exchange of isolated tracts of land that do not contain *significant cultural resources*. Otherwise, BLM runs the risk of releasing properties with significant cultural resources for which, for many reasons may not have been evaluated or designated as containing eligible or significant historic properties. In the alternative, the Tribe requests that BLM consult with the Tribe concerning land transfers that may include culturally sensitive resources and for any tracts that are neighboring and in the vicinity of the Pechanga Indian Reservation.

### **Geothermal Leasing**

The Tribe requests that such activities be evaluated in terms of tribal cultural values, including preservation of cultural resources and issues concerning the Tribe's jurisdiction of its lands that are neighboring BLM lands. As with other invasive activities, the Tribe objects to such activities that could impact sacred sites or tribal governance rights on its lands. As such, the Tribe requests early consultation for such activities and throughout the environmental review process for any areas where this activity is proposed.

### **Wind and Alternative Energy Development**

Pechanga requests that the BLM initiate government-to-government consultation with Indian Tribal governments whose interests may be affected by activities on BLM lands early in the planning process to ensure that tribal cultural, archaeological and natural resources which could be impacted are identified and considered prior to decision making on the project, as well as for construction, operation, and decommissioning issues. The Tribe further requests that such concerns are identified and adequately addressed in the environmental review and consultation records.

Specifically, the Tribe requests that the SMER ACEC be closed to wind and alternative energy development.



**PLAN OF DEVELOPMENT PREPARATION: Cultural/Historic Resources**

Although the Tribe's preference is that cultural resources be avoided and preserved, we offer these specific language changes to these BLM proposed policies for development that may occur on BLM managed lands.

**Bullet 2:** The presence of archaeological sites and historic properties, TCP's, and sacred sites in the area of potential effect shall be determined on the basis of a records search of recorded sites and properties in the area at the appropriate Information Center, State Historic Preservation Office, Native American Heritage Commission, etc. and consultation with the culturally-affiliated tribe(s). ~~and/or, d~~ Depending on the extent and reliability of existing information, an archaeological survey shall be conducted by the qualified project archaeologist and the culturally-affiliated tribe(s) for the presence of cultural resources, including resources with tribal values. Archaeological sites and historic properties present in the area of potential effect shall be reviewed to determine whether they meet one or more of the criteria of eligibility for listing on the *National Register of Historic Places* (NRHP) as well as cultural value to the culturally-affiliated tribe.

**Bullet 3:** If cultural resources are present at the site, or if areas with a high potential to contain cultural material have been identified, a cultural resources management plan (CRMP) shall be developed by the qualified archaeologist and the culturally-affiliated tribe(s). This plan shall address appropriate treatment measures ~~mitigation activities~~ to be taken for cultural resources found at the site. Avoidance of the area is always the preferred mitigation option. ~~Other mitigation options include archaeological survey and excavations (as warranted) and monitoring.~~ If an area exhibits a high potential, but no artifacts were observed during an archaeological survey, monitoring by a qualified archaeologist and the culturally-affiliated tribe(s) ~~could~~ shall be required during all excavation and earthmoving in the high potential area. A report shall be prepared documenting these activities with submission of the final report to the BLM, the appropriate state Information Center and the culturally-affiliated tribe(s). The CRMP, in consultation with the culturally-affiliated tribe(s), also shall (1) establish a monitoring program, (2) identify measures to prevent potential looting/vandalism or erosion impacts, and (3) address the education of workers and the public to make them aware of the consequences of unauthorized collection of artifacts and destruction on public land.

**CONSTRUCTION: Cultural and Paleontological Resources**

**Bullet 1:** Unexpected discovery of cultural or paleontological resources, including human remains, during construction shall be brought to the attention of the responsible BLM authorized officer immediately. Work shall be halted in the vicinity of the find to avoid further disturbance to the resources while they are being evaluated and appropriate treatment and mitigation measures are being developed, through consultation with the qualified archaeologist and the culturally-affiliated tribe(s).



## Pechanga Environmental Department Written Comments

Pechanga Tribal Government

December 20, 2011

December 20, 2011

Mr. Greg Hill, RMP Team Lead  
BLM Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262

**RE: Pechanga Environmental Department Comments on Draft South Coast Resource Management Plan (DRMP) Revision and Draft Environmental Impact Statement (DEIS)**

Dear Mr. Hill:

The Pechanga Band of Luiseño Mission Indians ("Tribe"), a sovereign Indian Nation, is pleased to provide the following comments regarding the Draft South Coast Resource Management Plan Revision and Draft Environmental Impact Statement ("DRMP/DEIS").

The Pechanga Indian Reservation is located in Southern Riverside County near the city of Temecula to the northwest, the town of Rainbow to the southwest, and the Cleveland National Forest Agua Tibia Wilderness to the southeast. The Pechanga Tribal Government is a sovereign neighbor to BLM Managed Lands with the closest external boundary of the Reservation located one half mile from BLM lands (parcels 218-231 to the west, 220-191 to the east and 229-041 to the south).

The Tribal Government interests include, but are not limited to: 1) Defending its off-Reservation tribal cultural resources and sacred places from desecration and destruction, 2) Protecting the environmental systems that sustain the Reservation and its environment, and 3) Ensuring the health, safety and welfare of the Pechanga People, its guests, visitors and employees.

The Pechanga Environmental Department ("PED") is uniquely situated to understand the environmental concerns related to the Pechanga Community and Reservation lands.<sup>1</sup> The PED

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<sup>1</sup> The Tribe developed the Pechanga Environmental Department (PED) in 1997. The PED is staffed with a highly qualified team: Syndi Smallwood, Environmental Director, has a BA in Cultural Anthropology with a minor in Native American Studies from Humboldt State University, a Certificate in Natural Resource Management and her MAS in Environmental Policy and Management from the University of Denver.

has reviewed the DRMP/DEIS and supporting documents and is pleased to provide the following comments.

### **Reservation Boundaries Including Newly Repatriated Tribal Lands**

After review of the DRMP/DEIS, a notable correction to be made within the document is accurate depiction of land tenure and the boundary of the Pechanga Reservation. The DRMP/DEIS does not accurately reflect Pechanga's newly repatriated Tribal Lands which were transferred to the Tribe by the "Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007." Parcels 219-291 and 219-241 should be indicated as Tribal Land and removed from calculations of managed land acreage and proposed management actions with the DRMP.

### **Rangeland Health and Vegetation**

The Tribe is concerned with the protection and management of Oak Woodlands. Although the DRMP states oak woodlands represent less than 1% or 1,700 acres of the planning area (2-4), these woodlands are an integral part of the regional and local ecosystems within the Riverside-San Bernardino and San Diego Management Areas. The DRMP itself agrees "oak woodlands form a small but critically important habitat component." Proposed Rangeland Health Standards do not adequately address how the health of these woodlands will be maintained and protected from exotic or nuisance pests and diseases. Standard three should also include the addition of hardwood pests and disease mitigation and management to criteria in an effort to preserve Oak Woodland ecosystems.

### **Wilderness Areas**

Parcel 220-191 near the Reservation boundary is presently designated as Wilderness area. This land use designation is compatible with the Tribe's management practices in this area.

### **Visual Resources**

There are significant visual resources which comprise a sacred viewshed at the top of Táavishpa, also known as Mt. Neilson. Pechanga People have traditionally utilized this area. Now that these lands have been repatriated, the Tribe is once again exercising its usage rights. These lands are governed by an MOU between the Tribe, Bureau of Land Management (BLM), and US Fish and Wildlife Service (USFWS). The MOU recognizes that these lands are important to the Tribe for cultural, historical and biological reasons and the Tribe therefore expects the DRMP to acknowledge and appropriately plan for such resources.

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The DRMP alternatives propose to set the resource management class for parcel 218-231, part of the Santa Margarita Ecological Reserve (SMER) ACEC as a Class II Visual Resource. The Tribe requests this area, which is a part of the sacred viewshed from the top of Táavishpa, and oversees portions of the Luiseño Ancestral Origin Landscape, be classified for inventory as a Class I Visual Resource to preserve the existing landscape character in accordance with FLPMA Title I, § 102(8)(43 U.S.C. 1701). (See image taken in 2011, demonstrating the outstanding existing visual quality of this area, Figure 1).

### **Special Designations - Area of Critical Environmental Concern**

The Federal Land Policy and Management Act of 1976 Title II, § 201 (a) [43 U.S.C. 1711] states,

The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.

Alternatives A, C and D propose to designate ACECs as avoidance areas for ROWs which include energy development and other land use authorizations, although Alternative B would permit wind development. Allowing any of these activities in ACECs, and particularly the Santa Margarita Ecological Reserve ACEC, would adversely affect and impact Visual Resource Management Goals in such notable places such as the Santa Margarita Ecological Reserve and affect the Tribe's sacred viewshed from Mt. Neilson, and cause other adverse impacts and effects to the Tribe, as explained in the Tribe's Cultural Resources Department Comment letter. Wind development in this area could also have unintended effects on resident and migratory wildlife and bird populations, some of which are culturally sensitive and confidential in nature. The Tribe would be pleased to fully address these during direct consultation with BLM.

Maintaining the biological integrity and biodiversity of the ecological systems on the Reservation is integral to the Tribe's right to self-governance. The Tribe therefore requests compatible uses on nearby BLM lands that help support and maintain those systems and do not impair or degrade them. Tribal Lands currently host, as verified through scientific monitoring, a wide variety of wildlife on their travels while foraging for food and habitat for breeding within the region. Wildlife species which occur, or are expected to occur, include mammals, birds, reptiles and amphibians, due to the presence of suitable habitats. Again, some of these species are culturally sensitive in nature and the Tribe can speak to them during direct consultation with BLM. The Tribe is committed to protecting and monitoring local and regional movement routes within and surrounding the Reservation.



## **Mineral Resources**

According to Map 1-4, several parcels are indicated as Split Estate Land Management in the San Diego County Management Area and in close proximity to the Reservation's southern border. Due to the potential adverse effects and impacts of oil and gas exploration and development or other type of leasable minerals, the Tribe concurs with those aspects of preferred Alternative D which will close BLM surface and split estate to leasing in this Management Area. In addition, for the reasons explained in the comment letter from the Tribe's Cultural Resources Department, the Pechanga Tribe requests the BLM to withdraw the proposed SMER ACEC from mineral entry and that this management prescription be made part of the other alternatives (Maps 2-30 and 2-32).

Leasable geothermal resources have also been indicated on adjacent and nearby parcels to the Reservation boundaries (Map 2-34). Due to the potential adverse effects and impacts to the Reservation as a result of surface and subsurface geothermal development, alternative B or D is preferred as they close geothermal surface and subsurface leasing to parcels near the Reservation boundaries, however, the Tribe requests this management prescription be included in all the alternatives (Map 2-33).

Parcel 229-041 is located approximately 0.25 miles south of the Reservation in the San Diego Management Area and is not currently or proposed to be included as a part an ACEC, WSA or as a land with wilderness characteristics. It is not clearly indicated within the proposed alternatives whether this parcel will be open or closed for locatable or salable mineral resources. In order to support the goals of the Mt. Olympus Resource Conservation Area, protect against unacceptable impacts to cultural resources, natural resources and sensitive habitats, the Tribe requests this parcel be removed from mineral entry.<sup>2</sup>

## **Alternatives**

None of the proposed alternatives seem to fully address all the Tribe's concerns, although many of the general environmental concerns appear to be addressed by Alternative D, except for the visual resources designations and the Oak Woodlands, as described above. As such, the Tribe respectfully requests that the issues of concern outlined in this letter, as well as the Tribe's other letters, be incorporated into any BLM adopted Alternative.

## **Conclusion**

In sum, after review of the DRMP and the DEIS, the Pechanga Environmental Department requests that the BLM DRMP and DEIS incorporate the environmental concerns outlined herein.

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<sup>2</sup> County of San Diego General Plan, Pala-Pauma Community Planning Area (August 2011)



Letter to Mr. Greg Hill  
RE: Comments on BLM DRMP and DEIS  
DATE  
Page 5 of 5

If you have any questions on the Department's comments, please feel free to contact me at 951-770-6150 or at [ssmallwood@pechanga-nsn.gov](mailto:ssmallwood@pechanga-nsn.gov).

Sincerely,



Syndi Smallwood  
Environmental Director  
Pechanga Band of Luiseño Indians Environmental Department

Cc: John Macarro, Office of General Counsel Pechanga Band of Luiseno Indians



*Figure 1. View from top of Táavishpa (Mt. Neilson) looking west over BLM lands and portions of the Luiseño Ancestral Origin Landscape.*



## **PECHANGA INDIAN RESERVATION**

*Temecula Band of Luiseño Mission Indians*

### **OFFICE OF THE GENERAL COUNSEL**

Post Office Box 1477 • Temecula, CA 92593  
Telephone (951) 770-6000 • Fax (951) 695-7445

**General Counsel**  
John L. Macarro

**Deputy General Counsel**  
James E. Cohen  
Michele Fahley  
Steve Bodmer

December 21, 2011

### **VIA EMAIL, FACSIMILE AND U.S. MAIL**

Mr. Greg Hill, RMP Team Lead  
BLM Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262

**Re: Pechanga Tribe Comments on BLM Draft South Coast Resource Management Plan (RMP) and Draft Environmental Impact Statement (DEIS)**

Dear Mr. Hill:

The Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, submits this comment letter in response to the BLM Draft South Coast Resource Management Plan revisions (the "DRMP"). The Tribe's comments include this introductory letter which introduces the Tribes Soverall positions and concerns as well as attached letters from our tribal government departments charged with cultural resource protection and environmental management and highlights significant new information since the 1994 RMP that may change land use designations. As such, please incorporate these comments with attached letters, as well as future consultation meeting comments and submissions, into the record of decision.

In addition, the Tribe is requesting to continue its consultation with the BLM on this DRMP through one or more in person meetings with the DRMP preparers and appropriate agency individuals as soon as possible in January 2012.

The DRMP references the Tribe as a Cooperating Agency. It is the Tribe the Tribencye T that such a designation would enable the Tribe to participate as a partner on the management team and help develop the alternatives and impact analysis. The Tribe will also be notified and involved in the remainder of the NEPA environmental review and management planning processes. Please ensure that the Tribe is on your distribution list(s) for any future public notices and circulation of all documents, including additional environmental review documents, archaeological reports, and all documents pertaining to this RMP. The Tribe further requests to be directly notified of all public meetings, hearings and scheduled approvals concerning this RMP revision.

The Pechanga Tribe has a long, successful history of management of the tribal resources on its reservation as well as those within its aboriginal territories. Through Pechanga's fully developed cultural resource and environmental departments, the Tribe has many years of experience working with federal, state, local agencies and other tribal nations in the protection and preservation of cultural resources and in the management of environmental systems pertaining to the Reservation.

As you know, the Tribe worked with the BLM concerning management of the Pechanga Historical Site. At that time, the Tribe had expressed preliminary concerns on this RMP, prior to the public review process, and reserved the right to participate in the review process. In 2007, Pechanga also received transfer of BLM lands that were contiguous to Reservation lands and worked with BLM, other federal agencies, and the Congress to ensure appropriate and consistent management of such lands.

It is not an understatement to say that all of the lands at issue under the BLM RMP were once ancestral tribal lands. In addition, as explained in our attached cultural resource department letter, the Luiseño territory encompasses most, if not all, of western Riverside County, the City of Temecula as well as other adjacent areas falling within the RMP. As such, there are untold numbers of tribal cultural resources within the BLM RMP that are historically and culturally tied to the Pechanga Tribe.

One of these resource areas that is of utmost concern to the Tribe, is its Luiseño Ancestral Origin Landscape. This is the specific geographical area that is associated with the creation and origin of the Luiseño People, a sacred site to the Pechanga Band and all of the six federally-recognized Luiseño tribes. Portions of the Luiseño Ancestral Origin Landscape fall within the Santa Margarita Ecological Reserve (SMER) ACEC, one of the largest public holdings of coastal wild lands, with the BLM holding 1,973 acres.

As you can imagine, preservation and protection of this area is a primary goal of the Pechanga People. Portions of this area have been on the National Register of Historic Places since 1972 and the entirety of the Origin Landscape is considered by the Tribe and other cultural resources/historic property experts to be a Traditional Cultural Property (TCP) that is eligible for listing in the National Register. Moreover, this year, the area was listed as a sacred place in the California Native American Heritage Commission's Sacred Lands File. As such, the Tribe opposes any adverse impact or effect to this sacred area.

To this end, the Pechanga Tribe requests the following:

- 1) That BLM assure that the SMER ACEC is recognized for its significant tribal cultural and religious values. Through the attached letter from the Pechanga Cultural Department, the Tribe has satisfied the relevance and importance criteria required by 43 CR 1610.7-2.

- 2) That BLM draft a management plan for the SMER ACEC, in consultation with the Tribe, to ensure that the uses within and surrounding the Luiseño Ancestral Origin Landscape are compatible with preservation and protection of this sacred place.
- 3) That the adopted alternative allow no disposal of mineral materials in the current or revised Plan SMER Expansion areas and that the closure of this ACEC to entry under the mineral leasing and 1872 Mining laws be implemented in such areas without delay or exception.

Further, the Tribe urges the BLM to adopt policies for this RMP concerning tribal sacred site protection which: take into account the tribal values of the resources and landscapes; are sensitive to tribal cultural practices and concerns, such as confidentiality, effective communication with tribal governments; and ensure that BLM policies and practices are respectful of tribal government interests. According to E.O. 13007, dated May 24, 1996, Federal agencies that are responsible for the management of Federal lands are to avoid adversely affecting the physical integrity of Sacred Sites, as identified by tribes.

In fact, in December 2010, the United States announced its support for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UN Declaration speaks to indigenous peoples' rights to maintain culture and tradition (Article 11); religious traditions, customs, and ceremonies (Article 12); and rights to maintain spiritual connections to traditionally owned lands (Article 25).

Although the NEPA and NHPA have procedures for addressing cultural resources and tribal environmental concerns, the Pechanga Tribe urges the BLM to also look to applicable tribally-sensitive federal policies concerning sacred sites in addition to the processes contained in the NEPA and NHPA, including each of the National Register of Historic Places criteria and AIRFA policies.

In fact, the Pechanga Tribe defines cultural resources to include not only archaeological features and sites, but also places and landscapes that have tribal cultural value, regardless of whether there are actual archaeological qualities that would be considered to meet thresholds of significance and integrity under Federal law. The Tribe also urges the BLM to acknowledge and utilize the Tribe's expertise when it comes to matters of identifying, defining and determining appropriate treatment for all cultural resources that are culturally-affiliated with the Tribe. The Tribe has knowledge and key information concerning the nature and significance of many of the resources affected by the DRMP and has worked with both local and statewide agencies in the protection of such resources. In addition, the Tribe has and continues to work with agencies, including San Diego State University, to ensure appropriate treatment of the Luiseño Ancestral Origin Landscape. The Tribe urges BLM to address such resources in a manner consistent with effective ongoing management processes as well as tribal preferences for treatment of resources within our traditional territory.



As the BLM is aware, the Pechanga Reservation neighbors BLM lands in the DRMP and is less than ½ mile from BLM managed lands. As such, the actions of the BLM in management of such lands will affect the Tribe's Reservation. The Tribe urges BLM to ensure that uses and management of lands that could impact the Reservation environment and/or the Tribe's fundamental, legally-protected government functions are reviewed, assessed and managed in accordance with its tribal values, policies and goals. Specific issues of concern to the Tribe include: excess lands available for disposal; the wildlife and wilderness corridor in the vicinity of the SMER ACEC that the Tribe has worked to protect; any land uses such as mineral extraction or renewable energy which could affect tribal cultural values and environmental concerns, including natural, sacred and scenic landscapes that have cultural value to the Tribe; and potential land acquisitions to expand ACECs and/or protect resources. This DRMP review and assessment necessarily dictates meaningful consultation with the Pechanga Tribe throughout the remainder of the RMP process for agency decisions that affect and concern the Tribe.

Although the BLM has designated a preferred Alternative in this DRMP/DEIS, it is the position of the Tribe that, as presently drafted, no one single Alternative is satisfactory to address all of the Tribe's concerns. Therefore, the Tribe requests that any BLM adopted Alternative incorporate and address the concerns the Tribe has set forth herein and in the attached letters. We believe this can be achieved with thorough and meaningful consultation with the Tribe going forward.

It has been the intent of the Federal Government<sup>1</sup> that Indian tribes be consulted with regard to issues which impact governmental concerns, including cultural and spiritual resources. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that portions of BLM lands lie within the Pechanga Tribe's aboriginal territory. Therefore, in order to comply with NEPA, NHPA, AIRFA and other applicable Federal and California law, it is imperative that the BLM consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the DRMP's effects and impacts, as well as generating adequate policies and mitigation measures.

In fact, just this month the Department of Interior (DOI) adopted a new consultation policy which intends to usher in "a new era of enhanced communication with American Indian and Alaska Native tribes" (U.S. DOI News Release, 12/1/11). The DOI policy places great emphasis on consultation being open, transparent and

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<sup>1</sup> See e.g., Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments; Executive Order of November 6, 2000, on Consultation and Coordination with Indian Tribal Governments; Executive Memorandum of September 23, 2004, on Government-to-Government Relationships with Tribal Governments; and Executive Memorandum of November 5, 2009, on Tribal Consultation.



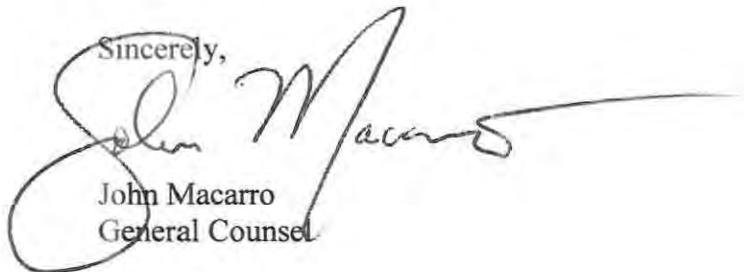
deliberative. In addition, the UNDRIP emphasizes indigenous and tribal rights to participate in decision making matters which would affect their rights (Article 18). Meaningful consultation with government agencies undertaking actions that affect the Tribe is of utmost importance to Pechanga. Although not directly on point, the Tribe played a key role in assisting the State of California with consultation language addressing sacred sites protection, the first legislative language of its kind in the State of California.

In this vein of proper acknowledgement of tribal governments, it appears that the term "Native Americans" and "other groups" is continually used throughout the document to reference Tribal involvement. This terminology fails to recognize the sovereign status and inherent rights of tribal governments as well as the statutory legal rights tribes possess. Further to lump tribes with "other groups" diminishes the political status that tribal governments possess. We request that the entire document be modified to ensure that the federally recognized political status of tribes is acknowledged and accorded proper consideration. These tribes should be referred to as tribal governments.

As the BLM is responsible for the management of such precious and important resources to the history, government and the very identity of the Pechanga People, the Tribe trusts that the BLM will acknowledge the Tribe's vital knowledge and input throughout the BLM RMP revision process. Such tribal input will ensure that the RMP is accurate and that it meets applicable federal law standards. We look forward to working with you to ensure that these mutually valued resources are managed appropriately for today and for future generations and in a manner respectful of our ancestors.

The Tribe reserves the right to fully participate in any environmental review process, as well as to provide further comment on any impacts to tribal resources and, if appropriate, potential mitigation for such impacts as they become known.

We look forward to hearing from you with regard to setting an in-person consultation meeting to discuss the Tribe's concerns on the DRMP. Please coordinate with our counsel, Ms. Laura Miranda, at [lmiranda@pechanga-nsn.gov](mailto:lmiranda@pechanga-nsn.gov) concerning this meeting and consultation discussions.

Sincerely,  
  
John Macarro  
General Counsel

Enclosures



## South Coast Resource Management Plan Revision

### COMMENT FORM

Date: Nov 29, 2011

Name: CHARLEY LEBSON

Are you submitting comments as an official representative of an agency or organization? If so, please include your title and the name of organization or agency you represent:

ALAA - AMERICAN LAND ACCESS ASSN. - (SALT LAKE MIN & COAL SOCIETY)

Mailing Address: 655 HAWK ST. LA MESA CA 91942 <sup>BUSINESS ADDRESS</sup> P.O. BOX 20, TENDON, ID 83468

Phone Number/E-Mail Address (optional): CHARLEYLEBSON@COX.NET

(Please be as specific as possible with your comments)

PLEASE SEE ATTACHMENT

Please submit your comments to:

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92258  
[www.blm.gov/ca/st/en/fo/palmsprings.html](http://www.blm.gov/ca/st/en/fo/palmsprings.html)

Submit comments by: December 21, 2011

I would like to offer a comment on your San Diego County BLM Draft.

I am Shirley Leeson, born and raised in San Diego County.

I am a rockhound, and belong to: San Diego Mineral & Gem Society since 1972.

The organization was formed in 1934 as a WPA project in the basement of the SD Natural History Museum and currently have over 550 members.

I am also an officer in ALAA, American Lands Access Assn with a membership of over 10,000 and growing.

I am a past president of SDMG, the California Federation of Mineralogical Societies, and American Federation of Mineralogical Societies with a membership of over 52,000 members throughout the U.S.

I have read the proposed draft and I haven't seen the following addressed anywhere, the handicapped and the aged, since I'm 78 and can no longer ride a mountain bike nor walk any distance I feel that I and people like me are being deprived of enjoying our public lands.

While this plan spends time protecting the plants and animals, where does it protect the old and infirm from enjoying these public lands.

If it's not possible to amend this draft, but to select one of the various proposals, I would like to see the one with the least blockage of public access, at least for now. I would also like to see the rockhound collecting be addressed, as well as prospecting for gold and minerals on the current BLM lands in San Diego County.

I will put this in writing and submit it as a comment to the proper authorities as soon as I get home this evening.

Shirley Leeson

6155 Haas St. La Mesa, CA 91942

[shirleyleeson@cox.net](mailto:shirleyleeson@cox.net)

November 29, 2011, Jamul, CA BLM Open House.

**Hill, Gregory C**

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**To:** Kathleen Hayden  
**Subject:** RE: Requesting extension of comment period

Dear Ms. Hayden,

We have received your comments on the Draft South Coast Resource Management Plan (RMP). The BLM will address and respond to comments in the Proposed RMP and Final Environmental Impact Statement (EIS). In regards to your request to an extension of the comment period, ~~the BLM must provide at least 45 days for public comment on Draft EIS's, and 90 days for Draft Land Use Plans.~~ We believe 90 days is an adequate review period for the issues addressed in this Draft RMP. *One quart*

Thank you for your interest in the public lands of the South Coast Planning Area.

Greg Hill  
RMP Lead  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262  
(760) 833-7140

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**From:** Kathleen Hayden [mailto:kats@znet.com]  
**Sent:** Thursday, October 27, 2011 11:01 AM  
**To:** Hill, Gregory C  
**Cc:** BLM Tom Pogacnik; Congressman Issa  
**Subject:** Requesting extension of comment period

Dear Greg,

I am requesting an extension on the comment period for Southcoast RMP for San Diego and Riverside counties. The EIS is well over 600 pages and restoration of cultural historic free roaming wild Coyote Canyon Heritage Herd is not provided for.

Please review ( from pages 18-37)

[http://www.eenews.net/assets/2011/09/30/document\\_gw\\_01.pdf](http://www.eenews.net/assets/2011/09/30/document_gw_01.pdf) of the Sage Grouse decision, as this ruling is applicable to free roaming wild horse and burro herds as special status species to be managed as a candidate for ESA listing. This issue must be addressed in the Southcoast RMP to rectify the accumulative deficiencies that removed the Coyote Canyon Heritage Herd.

Dr.Cothran examined the samples of the Coyote Canyon stallions sent to him by BLM. He states "Variation is extremely low including observed heterozygosity which is independent of sample size. I have seen lower but the value of 0.2 is well below the level set as the critical level for concern

I am requesting that you particularly focus on the court's ruling regarding accumulative affects applicable to species of special interest and habitat mandates as NEPA and FLPMA requisites.

In view of Mountain States v. Hodel <http://ftp.resource.org/courts.gov/c/F2/799/799.F2d.1423.82-1485.html> "In structure and purpose, the Wild Free-Roaming Horses and Burros Act is nothing more

than a land-use regulation enacted by Congress to ensure the survival of a particular species of wildlife. It is not unique in its impact on private resource owners. At the outset, it is important to note that wild horses and burros are no less "wild" animals than are the grizzly bears that roam our national parks and forests. Indeed, in the definitional section of the Act, Congress has explicitly declared "all unbranded and unclaimed horses and burros on public lands" to be "wild horses and burros." 16 U.S.C. Sec. 1332(b) (1982) (emphasis added).<sup>4</sup> "Neither the States nor the Federal Government . . . has title to these creatures until they are reduced to possession by skillful capture." (citations omitted); Kleppe, 426 U.S. at 535-38. **(How skillful are captures that traumatize, cripple and kill wild animals?**

Additionally, this statement by BLM was from the May 2003 Proposed Nevada Test and Training Range Resource Management Plan and Final EIS Comment 87, BLM Response, pg. E-25 "The issue of a wild horse as an invasive species is moot since the 1971 WHBA gave wild free-roaming horses "special" status based on their heritage of assisting man settle the "west"...."

The recent Sage grouse decision references to Special Status Species are applicable to the recovery of other special status species, namely the Coyote Canyon Heritage Herd. The displacement was directly caused by the accumulative affects of deficient RMPs and transfer of their critical herd area habitat to State Parks.

The current definition of ACECs (Aug 2011 BLM Southcoast management Plan and EIS) define areas of Critical Environmental Concern) were authorized in Section 202 C3 of FLPMA, P.L. 94-579. ACECs are areas where special management attention is needed to protect, and to prevent irreparable damage to important historic, cultural and scenic values; fish; or wildlife resources or other natural systems or processes.etc An area meets the relevance criterion if it contains one or more of the following....significant historic, cultural or scenic value....fish and wildlife resource including but not limited to habitat for endangered, sensitive or threatened species, or habitat essential for maintaining species diversity...etc

It is important to note that there is a plethora of public support to restore this Heritage Herd. please see attached.

Your anticipated assistance is most appreciated,

Sincerely,

Kathleen Hayden

bcc orgs



## Hill, Gregory C

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**To:** Kathleen Hayden  
**Subject:** RE: Heritage Herd management plan NOT

Dear Ms. Hayden,

Thank you for your comments on the Draft South Coast Resource Management Plan (RMP) and Draft Environmental Impact Statement (EIS). The BLM will address and respond to comments in the Proposed RMP/Final EIS. Your comments will be given serious consideration.

Thank you for your interest in the public lands of the South Coast Planning Area.

Greg Hill  
RMP Lead  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, CA 92262  
(760) 833-7140

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**From:** Kathleen Hayden [<mailto:kats@znet.com>]  
**Sent:** Monday, October 31, 2011 9:45 AM  
**To:** Hill, Gregory C  
**Cc:** BLM Tom Pogacnik; Hendron, Jane; Congressman Issa  
**Subject:** Heritage Herd management plan NOT

Dear Greg,

Nearly nine years ago BLM describes some of the management plan deficiencies of the Coyote Canyon Herd area. Now the 2011 draft Resource Management Plan and Environment Impact Statement has been released and there is no mention whatsoever of the Herd, Herd Area, or application of Sec 106 of the National Historic Preservation Act. Haven't the accumulation of these deficiencies constituted "extinction Management" of the Coyote Canyon Heritage Herd, a wild distinct population of special status species?

If I am mistaken please advise.

Yours truly,  
Kathleen Hayden

----- Original Message -----

**From:** <[Alex\\_Neibergs@ca.blm.gov](mailto:Alex_Neibergs@ca.blm.gov)>  
**To:** "Kathleen Hayden" <[prknride@uf.znet.com](mailto:prknride@uf.znet.com)>  
**Cc:** <[Tom\\_Pogacnik@blm.gov](mailto:Tom_Pogacnik@blm.gov)>; <[David\\_Sjaastad@ca.blm.gov](mailto:David_Sjaastad@ca.blm.gov)>  
**Sent:** Friday, April 11, 2003 5:24 PM  
**Subject:** Re: please send additional info

Hi Kat,

The Decision Record for the Northern and Eastern Colorado Desert and the Northern and Eastern Mojave Desert Coordinated Management Plans was signed in December 2002. These plans included public, local and state agencies, in which the plan addressed a multitude of resource management issues

including wild horses and burros. The major emphasis was for the recovery of the threatened and endangered desert tortoise and other federal listed plant and animal species. The outcome changed several HMAs and **emphasized that where these animals are to be managed, a herd management area plan would be developed, which would include input from the public, local and state agencies.**

We do have Interagency Agreements, Memorandum of Understandings and Cooperative Agreements with other land agencies and land owners, which mostly addresses how removals would occur and how the animals would be placed into the National Wild Horse and Burro Adoption Program.

I do have a copy of the California Strategic Plan for Management of Wild Horses and Burros on Public Lands dated April 1994. However, many changes have occurred since this time and this document needs to be updated.

The coordinated management plans demonstrate a publication for input and partnerships with public/local and state agencies. However with all the changes brought about to the California Desert District HMAs by the 1994 California Desert Protection Act and the two coordinated management plans, **all the herd area management plans (HMAPS) are outdated and no revised HMAPS have been written.**

If you could provide me copies of any documents mentioned here, please let me know.

Alex



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

December 14, 2011

**Via Electronic Mail and Federal Express**

Bureau of Land Management  
Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, California 92262

To Whom It May Concern,

Comments on the Draft Environmental Impact Statement  
for the South Coast Resource Management Plan Revision

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Draft Environmental Impact Statement (Draft EIS) for the South Coast Resource Management Plan Revision (Project). The U.S. Department of the Interior, Bureau of Land Management (BLM) is the lead agency for the Project. BLM prepared the Draft EIS to: (1) ensure consistency, to the legal extent practical, with the various multi-species planning efforts and partnership agreements BLM is working to establish throughout the South Coast region; (2) re-evaluate management direction in light of new information and change in circumstances; (3) assess the impact of BLM management on threatened and endangered species listed since 1993 through formal consultation with the U.S. Fish and Wildlife Service (USFWS); (4) assess the energy related needs of the region and meet the objectives of the President's energy plan; and (5) address issues raised in scoping.

The Project will guide future management of approximately 300,820 acres of BLM-administered public land, amounting to 3% of the land base in the planning area. This includes 133,820 acres of BLM-administered surface land (referred to as BLM public land) and 167,000 acres of federal mineral ownership where the surface is privately owned (referred to as BLM split estate land). The 133,820 acres of BLM public land are scattered over a five-county area in 278 separate parcels. Ninety-five percent of the BLM land base in the planning area is in western San Diego and western Riverside Counties, with the remainder in southwestern San Bernardino County and northern Los Angeles County. The Preferred Alternative identified (Alternative D) provides for a balance between authorized resource use and the protection and long-term sustainability of sensitive resources. It allows visitation and development within the Planning Area while ensuring that future development does not compromise resource protection in accordance with the principles of multiple use and sustained yield as mandated by the Federal Land Policy and Management Act of 1976 (FLPMA).

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Metropolitan is pleased to submit comments for consideration by BLM during the public comment period for the Draft EIS. In sum, Metropolitan provides these comments to ensure that any potential impacts on its facilities in the vicinity of the Project and on Colorado River resources are adequately addressed. Enclosure 1 shows Metropolitan's lands and facilities juxtaposed with BLM lands within the Project plan area. Because the Draft EIS is evaluating the new Resource Management Plan components in terms of proposed activities in general, information on specific project locations or activities may not be considered in the Draft EIS. Without specific information, Metropolitan cannot determine specific impacts to its facilities and rights-of-way. Therefore, our comments at this time are of a general nature, focusing on Metropolitan's general service system needs, concerns and issues.

## **BACKGROUND**

Metropolitan is a public agency and regional water wholesaler comprising 26 member public agencies serving more than 19 million people in six counties in southern California. Metropolitan owns and operates a network of pipelines, treatment plants, and various other types of facilities located throughout southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals, siphons and buried pipelines. CRA-related facilities also include pumping plants, above and below ground reservoirs and aquifers, spillways, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into the southern California coastal plain. Five pumping plants are located along the CRA, which consume approximately 2,500 gigawatt-hours of energy when the CRA is operating at full capacity. The CRA commenced delivery of Colorado River water to member agencies in 1941.

### **Metropolitan's Colorado River Aqueduct Transmission System (CRATS)**

Metropolitan constructed the CRA in the 1930s, starting near the newly completed Parker Dam, through remote areas of the Mojave Desert in Riverside and San Bernardino counties and terminating near the city of Riverside. As mentioned above, five large pumping plants, whose total electrical demand is around 300 MW, were built along the CRA. Due to the remoteness of the area, there was no existing electrical infrastructure to transport and supply the large amount of power required by these pumps. Therefore, Metropolitan constructed a 230 kV transmission system to bring power from the Hoover and Parker Dam power plants to its five pumping plants.

The water that Metropolitan transports through the CRA is critical to the population and economy of southern California. Metropolitan was created in 1928 for the purpose of supplying the area within its boundaries with water for domestic, industrial and other beneficial uses, and incidentally to provide a means of creating a water supply for such surrounding areas as later may find it advantageous to join the District. Its first objective was the construction of the CRA and a distribution system leading to its member agencies in southern California. Historically,

Metropolitan has supplied approximately one half of the total water used by the businesses, industries and 19 million residents of this region, and over 50 percent of that water has come from the CRA.

#### **POTENTIAL IMPACTS ON METROPOLITAN'S WATER CONVEYANCE FACILITIES AND RIGHTS-OF-WAY**

Metropolitan is concerned about potential impacts on its water conveyance facilities, transmission systems and rights-of-way that may result from the Project. Some of the land identified as BLM lands within the Project planning area is adjacent to or is in the vicinity of Metropolitan's facilities, properties or easements (Enclosure 1). In particular, it appears that two of the proposed Areas of Critical Environmental Concern (ACEC), one along the CRA and its transmission system and a second along Metropolitan's San Diego Pipelines may overlap Metropolitan's land and operational facilities (Enclosures 2 and 3). Metropolitan possesses extensive fee properties and easements along these facilities. Metropolitan is concerned with Project activities, such as land use restrictions (ACEC designation and otherwise), mineral and oil extraction activities and wind and solar energy development that could:

- Damage or limit access to or use of our facilities;
- Create dust or spills that could affect our facilities or properties;
- Impact water quality;
- Create changes in runoff patterns that could lead to erosion or overtopping of facilities;
- Affect local plants, animals and habitat in such a way as to impose restrictions on Metropolitan's operations; and
- Cause any other direct and indirect effects to Metropolitan facilities.

In order to avoid potential impacts, Metropolitan requests that the Final EIS include an assessment of potential impacts to Metropolitan's facilities with proposed measures to avoid or mitigate significant adverse effects.

Metropolitan provides the following specific comments about its concerns regarding potential impacts on its facilities and rights-of-way for BLM's consideration and incorporation into the Final EIS and Record of Decision:

1. Metropolitan requests that the Final EIS note that neither private nor public entities have any entitlements to build facilities or conduct any other activities on Metropolitan's fee-owned rights-of-way or properties, including CRA spillways.
2. Metropolitan's facilities and fee-owned or permanent easement rights-of-way should be considered in planning and in the Final EIS in terms of the potential impacts that may occur due to implementation of the Project.



3. Any new activities or facilities arising out of the Project should not impact accessibility to existing facilities or impede the use of existing facilities, including the CRA system and the local airfields.
4. Metropolitan is concerned with potential impacts to its facilities associated from any future excavation, construction, utilities or any development that may result from implementation of the proposed Project.
5. Activities associated with the proposed Project must not restrict any of Metropolitan's day-to-day operations and/or access to its facilities.
6. Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities and properties at all times in order to repair, maintain or replace system components.
7. In order to avoid potential conflicts with Metropolitan's rights-of-way, Metropolitan requires that any management plan development and implementation, including any design, construction, change in land use and for any other activity in the area of Metropolitan's open canals, pipelines, tunnels, spillways or facilities be submitted for Metropolitan's review and written approval. Approval of any project where it could impact Metropolitan's property should be contingent on Metropolitan's approval of design and other management plans for the project.
8. Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564.
9. To assist in preparing plans that are compatible with Metropolitan's facilities, easements and properties, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California" (Enclosure 4).
10. All designs or plans submitted for approval must clearly identify Metropolitan's facilities and rights-of-way.

#### **WATER RESOURCES: POTENTIAL IMPACTS ON WATER SUPPLIES**

Metropolitan is also concerned about the Project's potential direct and cumulative impacts on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. In the Final EIS, BLM should assess whether the Project poses any potential impacts on the use of the scarce Colorado River and local groundwater supplies, and if any, mitigate such impacts.

To the extent the Project and any future Record of Decision uses Colorado River water, it must have a documented right to do so. Metropolitan holds an entitlement to imported water supplies from the Colorado River. Water from the Colorado River is allocated pursuant to federal law and is managed by the Department of the Interior, Bureau of Reclamation (USBR). In order to lawfully use Colorado River water, a party must have an entitlement to do so. *See* Boulder Canyon Project Act of 1928, 43 U.S.C. §§ 617, et seq.; *Arizona v. California*, 547 U.S. 150 (2006).

Entities in California are using California's full apportionment of Colorado River water, meaning that all water is already contracted and no new water entitlements are available in California. Thus, if future activities under the Project could impact Colorado River resources, project proponents would have to obtain water from the existing junior priority holder; Metropolitan Project proponents would also have to fully analyze and mitigate any potential impacts on Colorado River resources.

## POTENTIAL ENVIRONMENTAL IMPACTS

Metropolitan is also concerned about any potential environmental impacts from management activities associated with the Project in close proximity to its facilities and rights-of-way. Metropolitan provides the following specific comments on potential environmental issues for BLM's consideration and incorporation into the Final EIS:

1. The Project should not increase the potential harm to water quality from chemicals entering subsurface water tables as has been seen with hexavalent chromium (or Chromium 6) from natural gas pumping plants, liquid petroleum or hydrogen pumping plants.
2. The Project should not increase the potential to harm water quality from new pipelines carrying hazardous material.
3. Hazardous material pipelines, if any, should be placed underground when they cross the CRA.
4. Any change in flow or drainage from new facilities should not cause erosion or damage to Metropolitan's facilities or rights-of-way (i.e. aqueduct, transmission tower footings, roads, fencing, spillways and other surface facilities or rights-of-way).
5. The Project must not adversely affect Metropolitan's Hayfield Groundwater Storage and Recharge Project that is located south of the CRA near the Hinds Pumping Plant.
6. The Final EIS also needs to take into account cumulative effects of the Project on Metropolitan's facilities, properties, and rights-of-way, both in the various phases of

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installations and taking into consideration the various types of uses on the proposed lands evaluated in the Draft EIS.

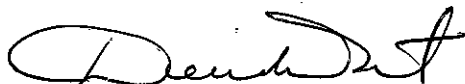
## POTENTIAL SOCIOECONOMIC IMPACTS

Finally, the Final Draft EIS should assess the socioeconomic impacts of any avoidable impacts on Metropolitan's and its member agencies' operations, including any financial or Metropolitan rate payer impacts arising out of the Project, for example, any costs due to potential interruptions of service and any costs resulting from required transmission upgrades or interconnections.

\* \* \*

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental and related documentation on this project. If we can be of further assistance, please contact Dr. Debbie Drezner at (213) 217-5687.

Very truly yours,



Deirdre West  
Manager, Environmental Planning Team

DD:rdl

(J:\Environmental-Planning&Compliance\COMPLETED JOBS\September 2011\Job No. 2011092301)

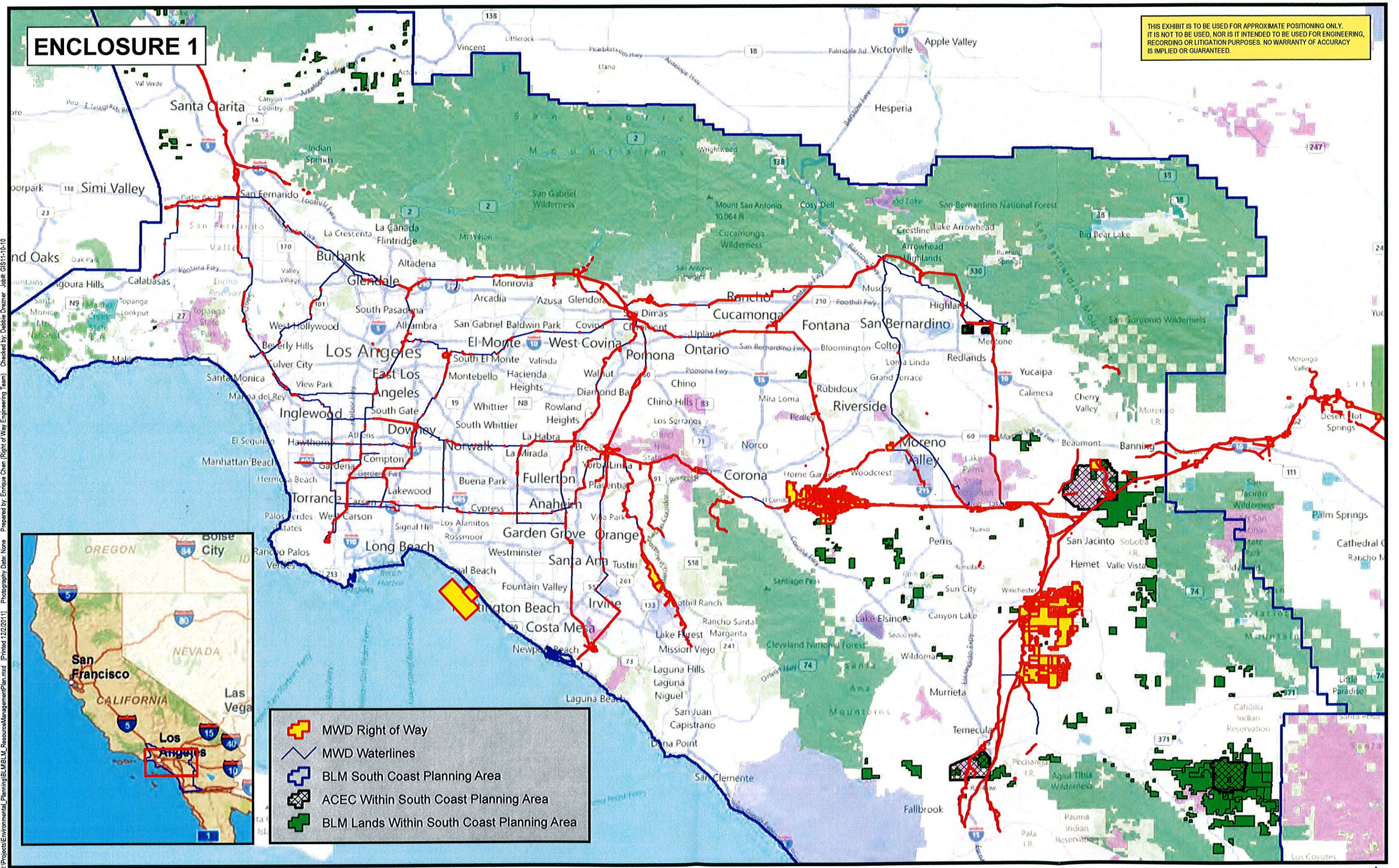
Enclosures: Maps  
Metropolitan development guidelines

RECEIVED  
SOUTH COAST LAND MANAGEMENT  
11 DEC 16 PM 2:11



# ENCLOSURE 1

THIS EXHIBIT IS TO BE USED FOR APPROXIMATE POSITIONING ONLY. IT IS NOT TO BE USED, NOR IS IT INTENDED TO BE USED FOR ENGINEERING, RECORDING OR LITIGATION PURPOSES. NO WARRANTY OF ACCURACY IS IMPLIED OR GUARANTEED.



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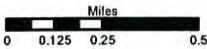
ENCLOSURE 2

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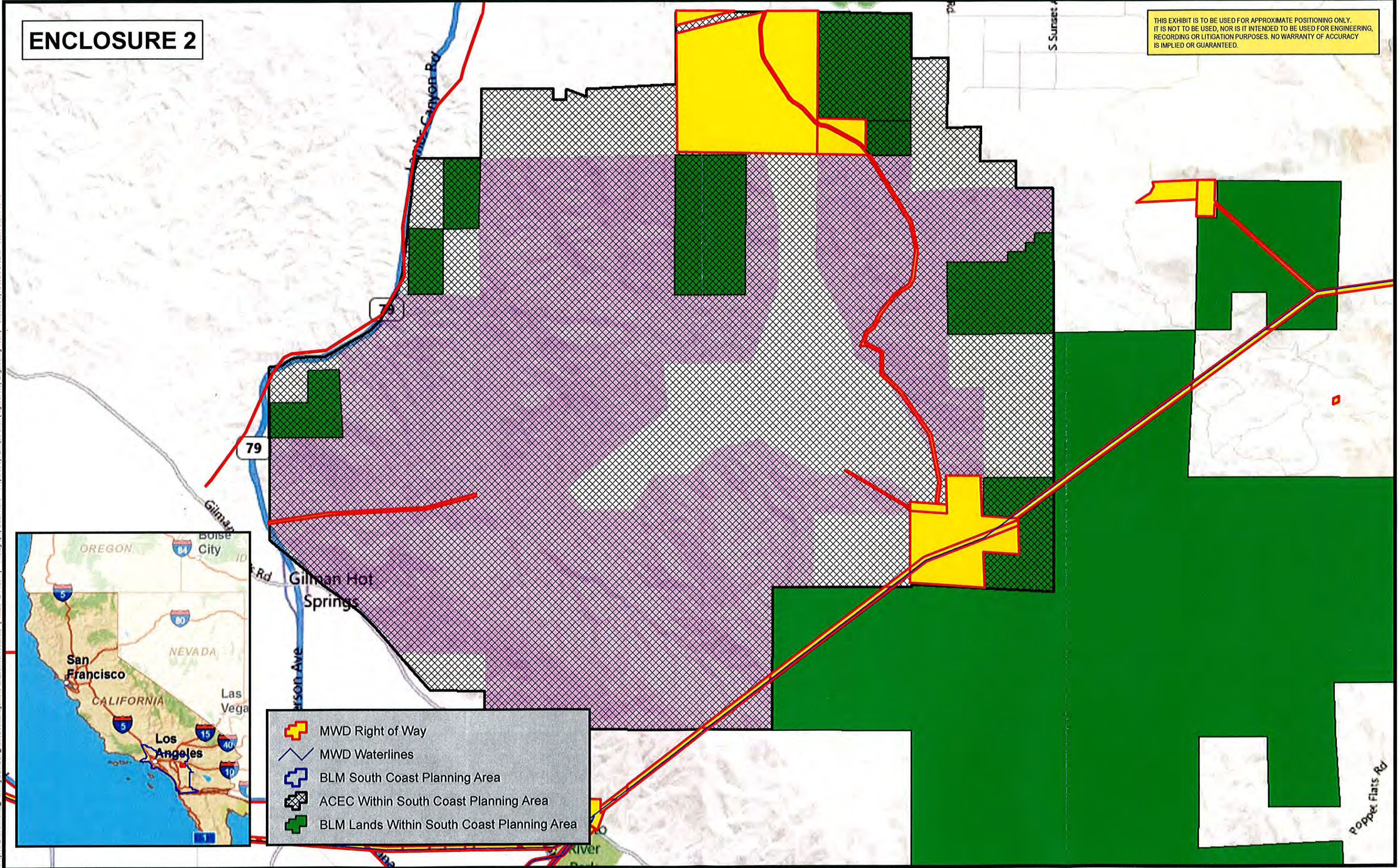


- MWD Right of Way
- MWD Waterlines
- BLM South Coast Planning Area
- ACEC Within South Coast Planning Area
- BLM Lands Within South Coast Planning Area

BLM South Coast Resource Management Plan  
Metropolitan Colorado River Aqueduct Facilities



\\Projects\\Environmental\_Planning\\BLM\\BLM\_ResourceManagementPlan\\ZoomedAreas.mxd [Printed 12/14/2011] Photography Date: None Prepared by: Enrique Chen (Right of Way Engineering Team) Checked by: Debbie Dreznar Job#: GIS11-10-10





J:\Projects\Environmental\_Planning\B\BMLM\_ResourceManagement\Plan\_ZoomedAreas\_Enclosure3.mxd [Printed 12/14/2011] Prepared by: Enrique Chen (Right of Way Engineering Team) Checked by: Debbie Dreznar Job#: GIS11-10-10

**ENCLOSURE 3**

THIS EXHIBIT IS TO BE USED FOR APPROXIMATE POSITIONING ONLY. IT IS NOT TO BE USED, NOR IS IT INTENDED TO BE USED FOR ENGINEERING, RECORDING OR LITIGATION PURPOSES. NO WARRANTY OF ACCURACY IS IMPLIED OR GUARANTEED.

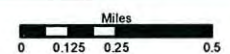
Map labels include: Via Vaquero Rd, Camino Estribo, Via Tornador, Via Novillo, Calle Roca, Calle la Paz, Calle Jardin, Calle Cuervo, Avenida Tierra, Calle UVA, Temecula Creek Inn-Golf Resort, Rainbow Canyon, Rainbow Valley Blvd, Anderson Rd, Rainbow He, Long Oak Ln, Aspen Rd, Rainbow Glen Rd, Escorido Fwy, 15, 5, 80, 84, Boise City, ID, NEVADA, CALIFORNIA, San Francisco, Los Angeles, Las Vega, 15, 40, 10, 5, 1.

**Legend:**

- MWD Right of Way
- MWD Waterlines
- BLM South Coast Planning Area
- ACEC Within South Coast Planning Area
- BLM Lands Within South Coast Planning Area



- BLM South Coast Resource Management Plan  
Metropolitan San Diego Pipelines**





# ENCLOSURE 4

## Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California

### 1. Introduction

a. The following general guidelines should be followed for the design of proposed facilities and developments in the area of Metropolitan's facilities, fee properties, and/or easements.

b. We require that 3 copies of your tentative and final record maps, grading, paving, street improvement, landscape, storm drain, and utility plans be submitted for our review and written approval as they pertain to Metropolitan's facilities, fee properties and/or easements, prior to the commencement of any construction work.

### 2. Plans, Parcel and Tract Maps

The following are Metropolitan's requirements for the identification of its facilities, fee properties, and/or easements on your plans, parcel maps and tract maps:

a. Metropolitan's fee properties and/or easements and its pipelines and other facilities must be fully shown and identified as Metropolitan's on all applicable plans.

b. Metropolitan's fee properties and/or easements must be shown and identified as Metropolitan's with the official recording data on all applicable parcel and tract maps.

c. Metropolitan's fee properties and/or easements and existing survey monuments must be dimensionally tied to the parcel or tract boundaries.

d. Metropolitan's records of surveys must be referenced on the parcel and tract maps.

3. Maintenance of Access Along Metropolitan's Rights-of-Way

a. Proposed cut or fill slopes exceeding 10 percent are normally not allowed within Metropolitan's fee properties or easements. This is required to facilitate the use of construction and maintenance equipment, and provide access to its aboveground and belowground facilities.

b. We require that 16-foot-wide commercial-type driveway approaches be constructed on both sides of all streets crossing Metropolitan's rights-of-way. Openings are required in any median island. Access ramps, if necessary, must be at least 16-foot-wide. Grades of ramps are normally not allowed to exceed 10 percent. If the slope of an access ramp must exceed 10 percent due to the topography, the ramp must be paved. We require a 40-foot-long level area on the driveway approach to access ramps where the ramp meets the street. At Metropolitan's fee properties, we may require fences and gates.

c. The terms of Metropolitan's permanent easement deeds normally preclude the building or maintenance of structures of any nature or kind within its easements, to ensure safety and avoid interference with operation and maintenance of Metropolitan's pipelines or other facilities. Metropolitan must have vehicular access along the easements at all times for inspection, patrolling, and for maintenance of the pipelines and other facilities on a routine basis. We require a 20-foot-wide clear zone around all above-ground facilities for this routine access. This clear zone should slope away from our facility on a grade not to exceed 2 percent. We must also have access along the easements with construction equipment. An example of this is shown on Figure 1.

d. The footings of any proposed buildings adjacent to Metropolitan's fee properties and/or easements must not encroach into the fee property or easement or impose additional loading on Metropolitan's pipelines or other facilities therein. A typical situation is shown on Figure 2. Prints of the detail plans of the footings for any building or structure adjacent to the fee property or easement must be submitted for our review and written approval as they pertain to the pipeline or other facilities therein. Also, roof eaves of buildings adjacent to the easement or fee property must not overhang into the fee property or easement area.

e. Metropolitan's pipelines and other facilities, e.g. structures, manholes, equipment, survey monuments, etc. within its fee properties and/or easements must be protected from damage by the easement holder on Metropolitan's property or the property owner where Metropolitan has an easement, at no expense to Metropolitan. If the facility is a cathodic protection station it shall be located prior to any grading or excavation. The exact location, description and way of protection shall be shown on the related plans for the easement area.

4. Easements on Metropolitan's Property

a. We encourage the use of Metropolitan's fee rights-of-way by governmental agencies for public street and utility purposes, provided that such use does not interfere with Metropolitan's use of the property, the entire width of the property is accepted into the agency's public street system and fair market value is paid for such use of the right-of-way.

b. Please contact the Director of Metropolitan's Right of Way and Land Division, telephone (213) 250-6302, concerning easements for landscaping, street, storm drain, sewer, water or other public facilities proposed within Metropolitan's fee properties. A map and legal description of the requested easements must be submitted. Also, written evidence must be submitted that shows the city or county will accept the easement for the specific purposes into its public system. The grant of the easement will be subject to Metropolitan's rights to use its land for water pipelines and related purposes to the same extent as if such grant had not been made. There will be a charge for the easement. Please note that, if entry is required on the property prior to issuance of the easement, an entry permit must be obtained. There will also be a charge for the entry permit.

5. Landscaping

Metropolitan's landscape guidelines for its fee properties and/or easements are as follows:

a. A green belt may be allowed within Metropolitan's fee property or easement.

b. All landscape plans shall show the location and size of Metropolitan's fee property and/or easement and the location and size of Metropolitan's pipeline or other facilities therein.



c. Absolutely no trees will be allowed within 15 feet of the centerline of Metropolitan's existing or future pipelines and facilities.

d. Deep-rooted trees are prohibited within Metropolitan's fee properties and/or easements. Shallow-rooted trees are the only trees allowed. The shallow-rooted trees will not be permitted any closer than 15 feet from the centerline of the pipeline, and such trees shall not be taller than 25 feet with a root spread no greater than 20 feet in diameter at maturity. Shrubs, bushes, vines, and ground cover are permitted, but larger shrubs and bushes should not be planted directly over our pipeline. Turf is acceptable. We require submittal of landscape plans for Metropolitan's prior review and written approval. (See Figure 3).

e. The landscape plans must contain provisions for Metropolitan's vehicular access at all times along its rights-of-way to its pipelines or facilities therein. Gates capable of accepting Metropolitan's locks are required in any fences across its rights-of-way. Also, any walks or drainage facilities across its access route must be constructed to AASHTO H-20 loading standards.

f. Rights to landscape any of Metropolitan's fee properties must be acquired from its Right of Way and Land Division. Appropriate entry permits must be obtained prior to any entry on its property. There will be a charge for any entry permit or easements required.

#### 6. Fencing

Metropolitan requires that perimeter fencing of its fee properties and facilities be constructed of universal chain link, 6 feet in height and topped with 3 strands of barbed wire angled upward and outward at a 45 degree angle or an approved equal for a total fence height of 7 feet. Suitable substitute fencing may be considered by Metropolitan. (Please see Figure 5 for details).

#### 7. Utilities in Metropolitan's Fee Properties and/or Easements or Adjacent to Its Pipeline in Public Streets

Metropolitan's policy for the alignment of utilities permitted within its fee properties and/or easements and street rights-of-way is as follows:

a. Permanent structures, including catch basins, manholes, power poles, telephone riser boxes, etc., shall not be located within its fee properties and/or easements.

b. We request that permanent utility structures within public streets, in which Metropolitan's facilities are constructed under the Metropolitan Water District Act, be placed as far from our pipeline as possible, but not closer than 5 feet from the outside of our pipeline.

c. The installation of utilities over or under Metropolitan's pipeline(s) must be in accordance with the requirements shown on the enclosed prints of Drawings Nos. C-11632 and C-9547. Whenever possible we request a minimum of one foot clearance between Metropolitan's pipe and your facility. Temporary support of Metropolitan's pipe may also be required at undercrossings of its pipe in an open trench. The temporary support plans must be reviewed and approved by Metropolitan.

d. Lateral utility crossings of Metropolitan's pipelines must be as perpendicular to its pipeline alignment as practical. Prior to any excavation our pipeline shall be located manually and any excavation within two feet of our pipeline must be done by hand. This shall be noted on the appropriate drawings.

e. Utilities constructed longitudinally within Metropolitan's rights-of-way must be located outside the theoretical trench prism for uncovering its pipeline and must be located parallel to and as close to its rights-of-way lines as practical.

f. When piping is jacked or installed in jacked casing or tunnel under Metropolitan's pipe, there must be at least two feet of vertical clearance between the bottom of Metropolitan's pipe and the top of the jacked pipe, jacked casing or tunnel. We also require that detail drawings of the shoring for the jacking or tunneling pits be submitted for our review and approval. Provisions must be made to grout any voids around the exterior of the jacked pipe, jacked casing or tunnel. If the piping is installed in a jacked casing or tunnel the annular space between the piping and the jacked casing or tunnel must be filled with grout.

g. Overhead electrical and telephone line requirements:

1) Conductor clearances are to conform to the California State Public Utilities Commission, General Order 95, for Overhead Electrical Line Construction or at a greater clearance if required by Metropolitan. Under no circumstances shall clearance be less than 35 feet.

2) A marker must be attached to the power pole showing the ground clearance and line voltage, to help prevent damage to your facilities during maintenance or other work being done in the area.

3) Line clearance over Metropolitan's fee properties and/or easements shall be shown on the drawing to indicate the lowest point of the line under the most adverse conditions including consideration of sag, wind load, temperature change, and support type. We require that overhead lines be located at least 30 feet laterally away from all above-ground structures on the pipelines.

4) When underground electrical conduits, 120 volts or greater, are installed within Metropolitan's fee property and/or easement, the conduits must be incased in a minimum of three inches of red concrete. Where possible, above ground warning signs must also be placed at the right-of-way lines where the conduits enter and exit the right-of-way.

h. The construction of sewerlines in Metropolitan's fee properties and/or easements must conform to the California Department of Health Services Criteria for the Separation of Water Mains and Sanitary Services and the local City or County Health Code Ordinance as it relates to installation of sewers in the vicinity of pressure waterlines. The construction of sewerlines should also conform to these standards in street rights-of-way.

i. Cross sections shall be provided for all pipeline crossings showing Metropolitan's fee property and/or easement limits and the location of our pipeline(s). The exact locations of the crossing pipelines and their elevations shall be marked on as-built drawings for our information.

j. Potholing of Metropolitan's pipeline is required if the vertical clearance between a utility and Metropolitan's pipeline is indicated on the plan to be one foot or less. If the indicated clearance is between one and two feet, potholing is suggested. Metropolitan will provide a representative to assist others in locating and identifying its pipeline. Two-working days notice is requested.

k. Adequate shoring and bracing is required for the full depth of the trench when the excavation encroaches within the zone shown on Figure 4.

l. The location of utilities within Metropolitan's fee property and/or easement shall be plainly marked to help prevent damage during maintenance or other work done in the area. Detectable tape over buried utilities should be placed a minimum of 12 inches above the utility and shall conform to the following requirements:

1) Water pipeline: A two-inch blue warning tape shall be imprinted with:

"CAUTION BURIED \_\_\_\_\_ PIPELINE"

2) Gas, oil, or chemical pipeline: A two-inch yellow warning tape shall be imprinted with:

"CAUTION BURIED \_\_\_\_\_ PIPELINE"

3) Sewer or storm drain pipeline: A two-inch green warning tape shall be imprinted with:

"CAUTION BURIED \_\_\_\_\_ PIPELINE"

4) Electric, street lighting, or traffic signals conduit: A two-inch red warning tape shall be imprinted with:

"CAUTION BURIED \_\_\_\_\_ CONDUIT"

5) Telephone, or television conduit: A two-inch orange warning tape shall be imprinted with:

"CAUTION BURIED \_\_\_\_\_ CONDUIT"



m. Cathodic Protection requirements:

1) If there is a cathodic protection station for Metropolitan's pipeline in the area of the proposed work, it shall be located prior to any grading or excavation. The exact location, description and manner of protection shall be shown on all applicable plans. Please contact Metropolitan's Corrosion Engineering Section, located at Metropolitan's F. E. Weymouth Softening and Filtration Plant, 700 North Moreno Avenue, La Verne, California 91750, telephone (714) 593-7474, for the locations of Metropolitan's cathodic protection stations.

2) If an induced-current cathodic protection system is to be installed on any pipeline crossing Metropolitan's pipeline, please contact Mr. Wayne E. Risner at (714) 593-7474 or (213) 250-5085. He will review the proposed system and determine if any conflicts will arise with the existing cathodic protection systems installed by Metropolitan.

3) Within Metropolitan's rights-of-way, pipelines and carrier pipes (casings) shall be coated with an approved protective coating to conform to Metropolitan's requirements, and shall be maintained in a neat and orderly condition as directed by Metropolitan. The application and monitoring of cathodic protection on the pipeline and casing shall conform to Title 49 of the Code of Federal Regulations, Part 195.

4) If a steel carrier pipe (casing) is used:

(a) Cathodic protection shall be provided by use of a sacrificial magnesium anode (a sketch showing the cathodic protection details can be provided for the designers information).

(b) The steel carrier pipe shall be protected with a coal tar enamel coating inside and out in accordance with AWWA C203 specification.

n. All trenches shall be excavated to comply with the CAL/OSHA Construction Safety Orders, Article 6, beginning with Sections 1539 through 1547. Trench backfill shall be placed in 8-inch lifts and shall be compacted to 95 percent relative compaction (ASTM D698) across roadways and through protective dikes. Trench backfill elsewhere will be compacted to 90 percent relative compaction (ASTM D698).

o. Control cables connected with the operation of Metropolitan's system are buried within streets, its fee properties and/or easements. The locations and elevations of these cables shall be shown on the drawings. The drawings shall note that prior to any excavation in the area, the control cables shall be located and measures shall be taken by the contractor to protect the cables in place.

p. Metropolitan is a member of Underground Service Alert (USA). The contractor (excavator) shall contact USA at 1-800-422-4133 (Southern California) at least 48 hours prior to starting any excavation work. The contractor will be liable for any damage to Metropolitan's facilities as a result of the construction.

8. Paramount Right

Facilities constructed within Metropolitan's fee properties and/or easements shall be subject to the paramount right of Metropolitan to use its fee properties and/or easements for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove any of the facilities from the fee properties and/or easements, such removal and replacement shall be at the expense of the owner of the facility.

9. Modification of Metropolitan's Facilities

When a manhole or other of Metropolitan's facilities must be modified to accommodate your construction or reconstruction, Metropolitan will modify the facilities with its forces. This should be noted on the construction plans. The estimated cost to perform this modification will be given to you and we will require a deposit for this amount before the work is performed. Once the deposit is received, we will schedule the work. Our forces will coordinate the work with your contractor. Our final billing will be based on actual cost incurred, and will include materials, construction, engineering plan review, inspection, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount.

10. Drainage

a. Residential or commercial development typically increases and concentrates the peak storm water runoff as well as the total yearly storm runoff from an area, thereby increasing the requirements for storm drain facilities downstream of the development. Also, throughout the year water from landscape irrigation, car washing, and other outdoor domestic water uses flows into the storm drainage system resulting in weed abatement, insect infestation, obstructed access and other problems. Therefore, it is Metropolitan's usual practice not to approve plans that show discharge of drainage from developments onto its fee properties and/or easements.

b. If water must be carried across or discharged onto Metropolitan's fee properties and/or easements, Metropolitan will insist that plans for development provide that it be carried by closed conduit or lined open channel approved in writing by Metropolitan. Also the drainage facilities must be maintained by others, e.g., city, county, homeowners association, etc. If the development proposes changes to existing drainage features, then the developer shall make provisions to provide for replacement and these changes must be approved by Metropolitan in writing.

11. Construction Coordination

During construction, Metropolitan's field representative will make periodic inspections. We request that a stipulation be added to the plans or specifications for notification of Mr. \_\_\_\_\_ of Metropolitan's Operations Services Branch, telephone (213) 250-\_\_\_\_\_, at least two working days prior to any work in the vicinity of our facilities.

12. Pipeline Loading Restrictions

a. Metropolitan's pipelines and conduits vary in structural strength, and some are not adequate for AASHTO H-20 loading. Therefore, specific loads over the specific sections of pipe or conduit must be reviewed and approved by Metropolitan. However, Metropolitan's pipelines are typically adequate for AASHTO H-20 loading provided that the cover over the pipeline is not less than four feet or the cover is not substantially increased. If the temporary cover over the pipeline during construction is between three and four feet, equipment must be restricted to that which

imposes loads no greater than AASHTO H-10. If the cover is between two and three feet, equipment must be restricted to that of a Caterpillar D-4 tract-type tractor. If the cover is less than two feet, only hand equipment may be used. Also, if the contractor plans to use any equipment over Metropolitan's pipeline which will impose loads greater than AASHTO H-20, it will be necessary to submit the specifications of such equipment for our review and approval at least one week prior to its use. More restrictive requirements may apply to the loading guideline over the San Diego Pipelines 1 and 2, portions of the Orange County Feeder, and the Colorado River Aqueduct. Please contact us for loading restrictions on all of Metropolitan's pipelines and conduits.

b. The existing cover over the pipeline shall be maintained unless Metropolitan determines that proposed changes do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance.

### 13. Blasting

a. At least 20 days prior to the start of any drilling for rock excavation blasting, or any blasting, in the vicinity of Metropolitan's facilities, a two-part preliminary conceptual plan shall be submitted to Metropolitan as follows:

b. Part 1 of the conceptual plan shall include a complete summary of proposed transportation, handling, storage, and use of explosions.

c. Part 2 shall include the proposed general concept for blasting, including controlled blasting techniques and controls of noise, fly rock, airblast, and ground vibration.

### 14. CEQA Requirements

#### a. When Environmental Documents Have Not Been Prepared

1) Regulations implementing the California Environmental Quality Act (CEQA) require that Metropolitan have an opportunity to consult with the agency or consultants preparing any environmental documentation. We are required to review and consider the environmental effects of the project as shown in the Negative Declaration or Environmental Impact Report (EIR) prepared for your project before committing Metropolitan to approve your request.



2) In order to ensure compliance with the regulations implementing CEQA where Metropolitan is not the Lead Agency, the following minimum procedures to ensure compliance with the Act have been established:

a) Metropolitan shall be timely advised of any determination that a Categorical Exemption applies to the project. The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

b) Metropolitan is to be consulted during the preparation of the Negative Declaration or EIR.

c) Metropolitan is to review and submit any necessary comments on the Negative Declaration or draft EIR.

d) Metropolitan is to be indemnified for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

**b. When Environmental Documents Have Been Prepared**

If environmental documents have been prepared for your project, please furnish us a copy for our review and files in a timely manner so that we may have sufficient time to review and comment. The following steps must also be accomplished:

1) The Lead Agency is to advise Metropolitan that it and other agencies participating in the project have complied with the requirements of CEQA prior to Metropolitan's participation.

2) You must agree to indemnify Metropolitan, its officers, engineers, and agents for any costs or liability arising out of any violation of any laws or regulations including but not limited to the California Environmental Quality Act and its implementing regulations.

**15. Metropolitan's Plan-Review Cost**

a. An engineering review of your proposed facilities and developments and the preparation of a letter response

giving Metropolitan's comments, requirements and/or approval that will require 8 man-hours or less of effort is typically performed at no cost to the developer, unless a facility must be modified where Metropolitan has superior rights. If an engineering review and letter response requires more than 8 man-hours of effort by Metropolitan to determine if the proposed facility or development is compatible with its facilities, or if modifications to Metropolitan's manhole(s) or other facilities will be required, then all of Metropolitan's costs associated with the project must be paid by the developer, unless the developer has superior rights.

b. A deposit of funds will be required from the developer before Metropolitan can begin its detailed engineering plan review that will exceed 8 hours. The amount of the required deposit will be determined after a cursory review of the plans for the proposed development.

c. Metropolitan's final billing will be based on actual cost incurred, and will include engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice will be forwarded for payment of the additional amount. Additional deposits may be required if the cost of Metropolitan's review exceeds the amount of the initial deposit.

16. Caution

We advise you that Metropolitan's plan reviews and responses are based upon information available to Metropolitan which was prepared by or on behalf of Metropolitan for general record purposes only. Such information may not be sufficiently detailed or accurate for your purposes. No warranty of any kind, either express or implied, is attached to the information therein conveyed as to its accuracy, and no inference should be drawn from Metropolitan's failure to comment on any aspect of your project. You are therefore cautioned to make such surveys and other field investigations as you may deem prudent to assure yourself that any plans for your project are correct.

17. Additional Information

Should you require additional information, please contact:

Civil Engineering Substructures Section  
Metropolitan Water District  
of Southern California  
P.O. Box 54153  
Los Angeles, California 90054-0153  
(213) 217-6000

JEH/MRW/lk

Rev. January 22, 1989

Encl.

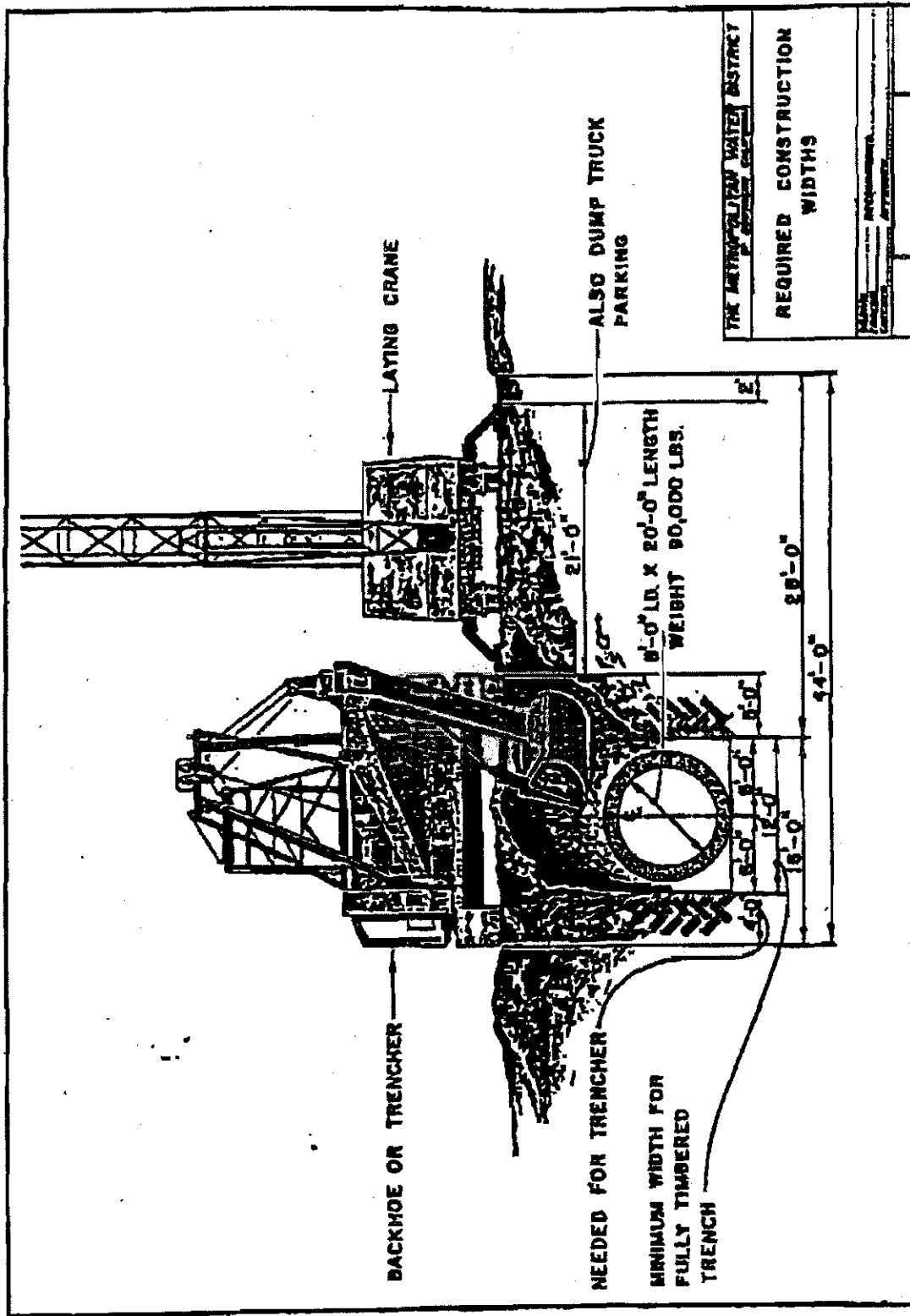
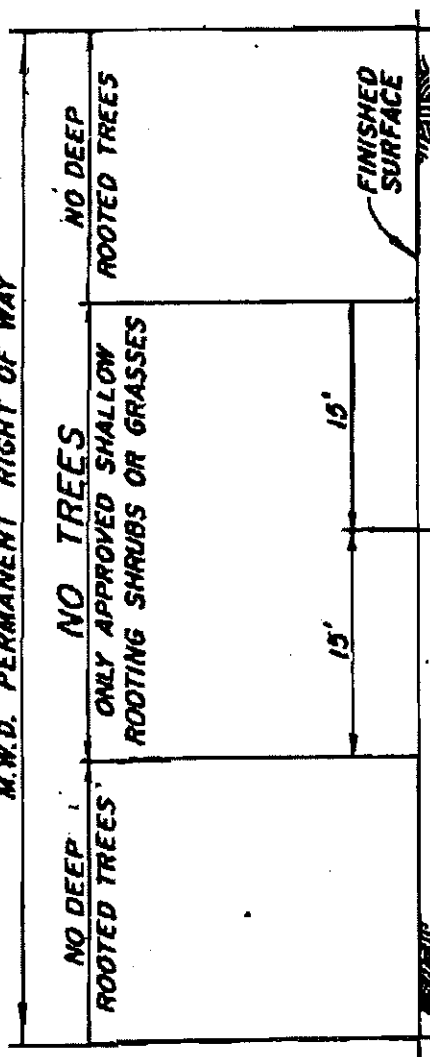


FIGURE 1

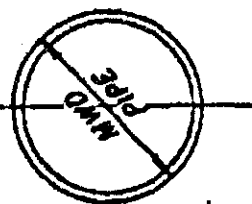




**M.W.D. PERMANENT RIGHT OF WAY**



**3 AND PIPE**



**THE METROPOLITAN WATER DISTRICT**

**LANDSCAPE GUIDELINES  
FOR  
M.W.D. RIGHT OF WAY**

\_\_\_\_\_

**FIGURE 3**

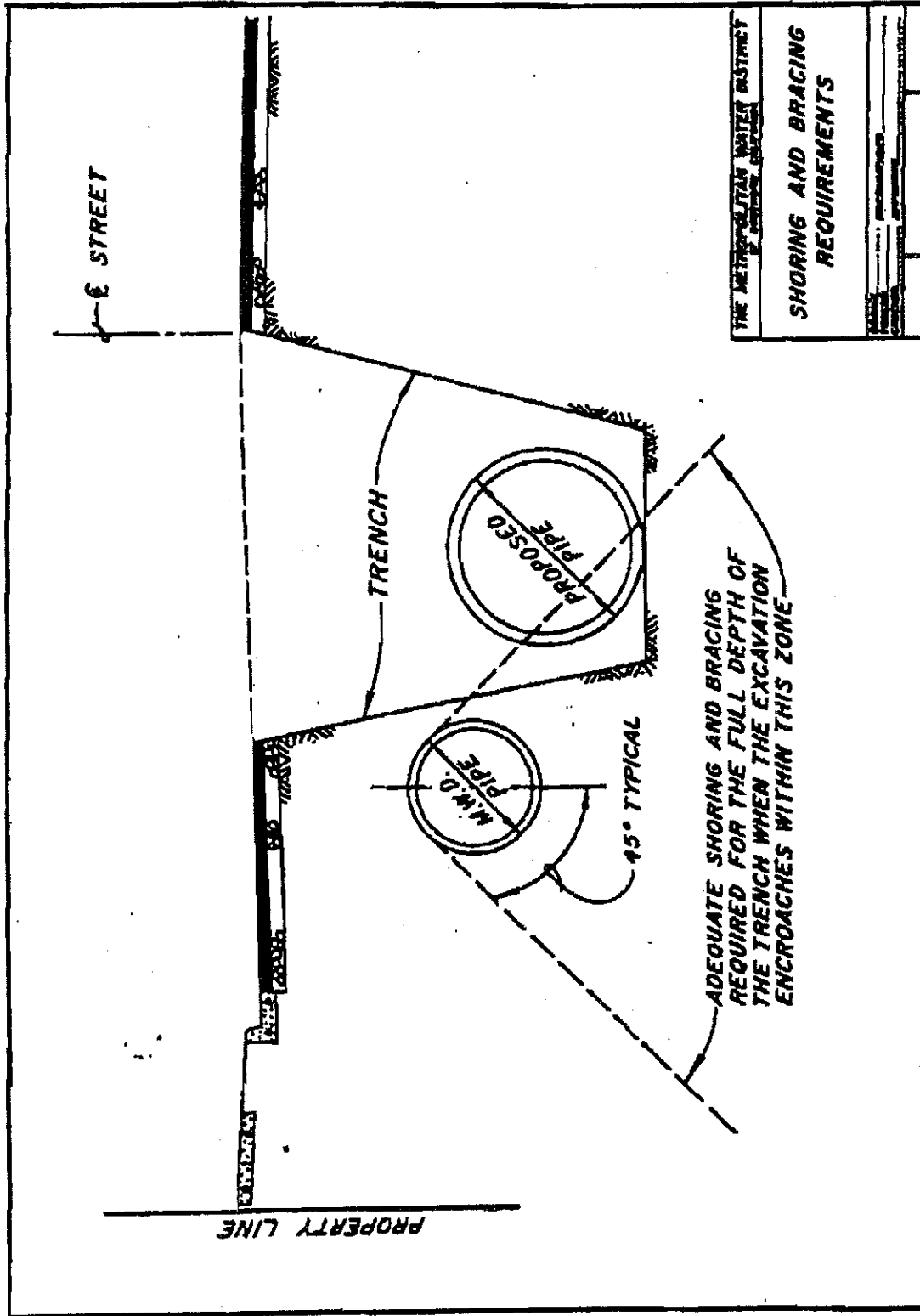
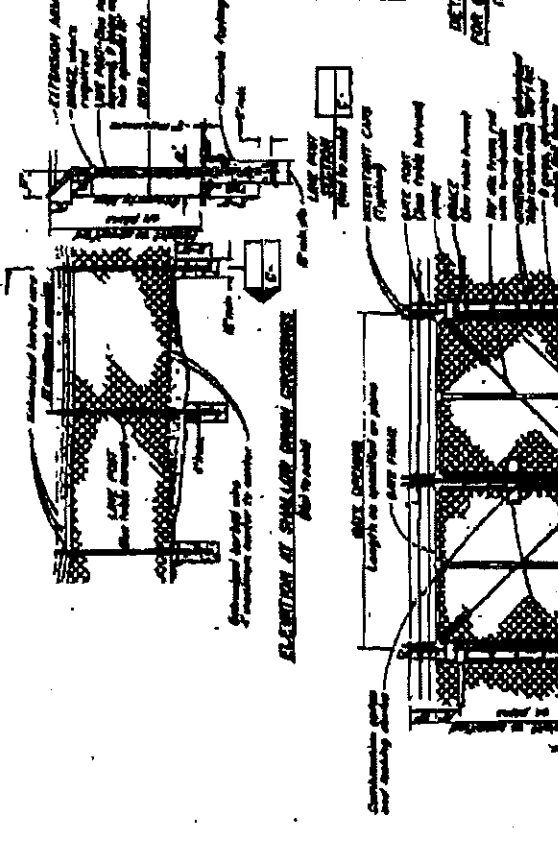
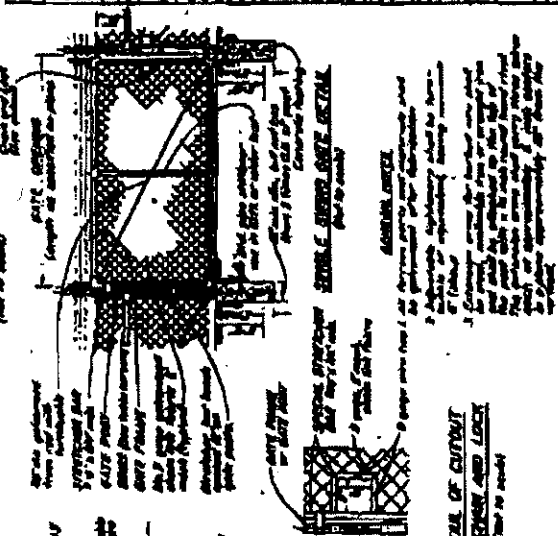
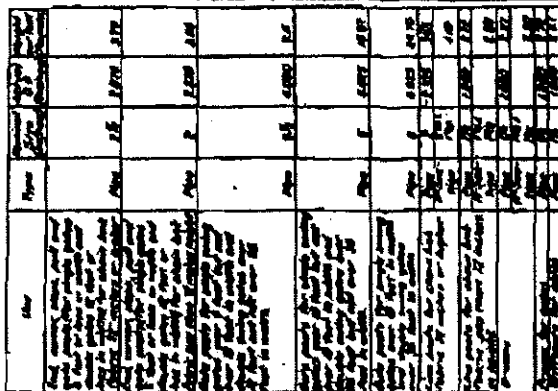


FIGURE 4

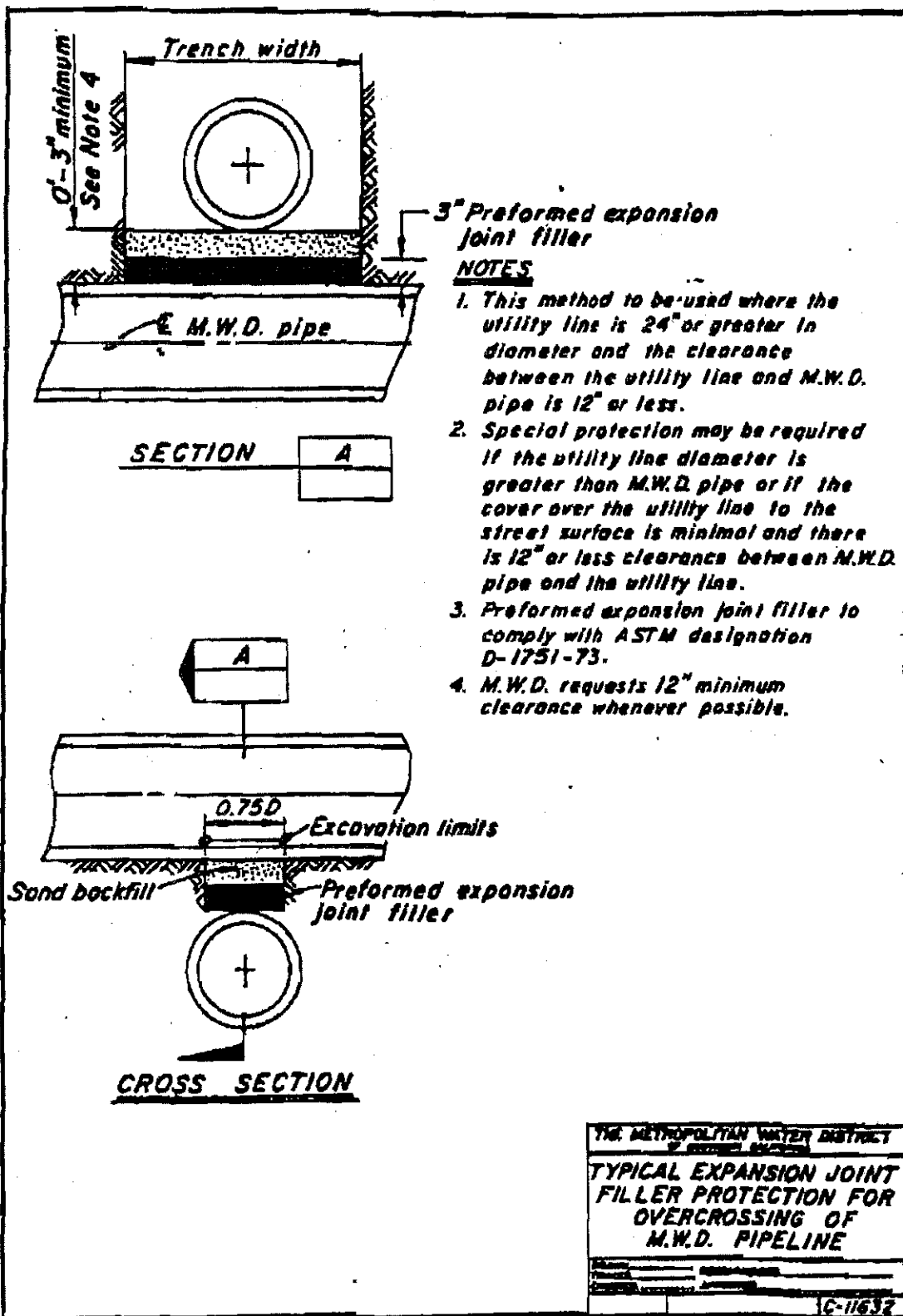


|                                 |               |                                 |
|---------------------------------|---------------|---------------------------------|
| 1740 AMBROPOULIS WATER DISTRICT | CHAM LINK     | 1740 AMBROPOULIS WATER DISTRICT |
| 22 JENNIFER ST                  | FENCE DETAILS | 22 JENNIFER ST                  |
| AMBRIDGE 27100                  |               | AMBRIDGE 27100                  |

**FIGURE 5**







11-67 DISTRICT-POST CLEARING 11-67

Mr. John Kalish  
BLM South Coast Field Office Manager  
1201 Bird Center Drive  
Palm Springs, CA 92262  
capsscrmp@blm.gov

Dear Mr. Kalish:

Thank you for soliciting comments in response to the revised South Coast Resource Management Plan (RMP). I have lived in Fallbrook, a small town on the eastern edge of Camp Pendleton, for nearly half a century. Family, friends and I have all grown up enjoying the scenic beauty and endless fascination of "the river." One friend, writer Laura Rhoton McNeal, has written an award-winning book featuring the Santa Margarita (under a slight name change) called *Dark Water*. Thanks to frequent meanders and childhood explorations of the river and its surroundings, my two sons have become PhD biologists. Dr. Daniel Gluesenkamp is Executive Director of Calflora, in northern California, and Dr. Andrew Gluesenkamp is a herpetologist for Texas State Parks and Wildlife.

I urge the BLM to recommend the Santa Margarita River for protection as a Wild & Scenic River in the final RMP. The Santa Margarita River is regarded as one of the last free flowing rivers in southern California and it possesses outstandingly remarkable scenic, recreational, wildlife, botanical, ecological, scientific, and historical/cultural values. About 10 miles of this scenic river between Interstate 15 and the eastern boundary of Camp Pendleton flow largely through public lands managed by the BLM, as well as state and local agencies. The BLM should consider Wild & Scenic protection for the entire 10-mile segment, to be jointly managed by the federal, state, and local agencies with jurisdiction along the river.

I urge the BLM to adopt Alternative B, which emphasizes the protection and conservation of natural resources, including wildlife and habitat. Alternative B also proposes protection for more Areas of Critical Environmental Concern (ACEC), including an expanded Santa Margarita River Ecological Reserve ACEC and establishment of the newly proposed Upper Santa Clara River ACEC. In addition, Alternative B proposes to protect all lands with wilderness characteristics and to reasonably limit grazing and off-highway vehicle use to protect wildlife habitat, water quality, and other uses of the public lands. Not the least of which is the inestimable value of wild places as growing grounds for future scientists and conservationists.

**Please** notify me when the BLM completes a final South Coast RMP for public review.

Thank you.  
Sincerely,

*K. Lambert*

Katherine Gluesenkamp Lambert  
1920 Winter Warm  
Fallbrook CA 92028



*Friends and future conservationists river-wading, 1980's*

11 DEC 19 AM 8 08

RECEIVED